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TRIAL

OF

PROFESSOR JOHN W. WEBSTER,

FOR THE

MURDER

OF

DOCTOR GEORGE PARKMAN.

REPORTED EXCLUSIVELY FOR THE N. Y. DAILY GLOBE.

PROFESSOR WEBSTER.

NEW YORK:

STRINGER & TOWNSEND, 222 BROADWAY.

PRINTED AT THE GLOBE OFFICE.

1850.

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TRIAL OF PROF. WEBSTER.

FIRST DAY.

SUPREME JUDICIAL COURT FOR SUFFOLK.

MARCH TERM.

TUESDAY, March 19th, 1850.

Present, Chief Justice SHAW, Associate Judges WILDE, METCALFE, and DEWEY. Counsel for the Commonwealth, Hon. JOHN H. CLIFFORD, of New Bedford; Attorney General, GEORGE BEMIS, Esq., of Boston.

Counsel for the defense, Hon. PLINY MERRICK, of Worcester; E. D. SOHIER, Esq., of Boston.

10½ A. M.—Private Court-room, galleries, avenues, &c., crowded to excess by an anxious multitude. Nothing done yet.

Removal of the Prisoner from the Leverett Street Jail.

At 7 o'clock this morning, Prof. WEBSTER, was taken from his cell in the Leverett street jail, where he had enjoyed a comfortable sleep last night. He moved out with a quick, firm step and cheerful air. He was then conducted to a hackney coach in irons, and was then conveyed to the Court-house, accompanied by officer Edward J. Jones.

The Arraignment of the Prisoner.

Some female witnesses entered the Court-room shortly after the doors were opened, and the various reporters of the public press, the officers of the Court, and several members of the bar, soon filled up the body of the room.

Entrance of the Prisoner.

A little before 9 o'clock, and sometime before the Judges took their place upon the bench, the Prisoner entered and immediately took his seat in the dock. His step was light and elastic. In crossing toward his place, his countenance betrayed a degree of calm and dignified composure which created some remark from persons at the time in the Court.

On taking his seat, Prof. Webster smiled as he saluted several of his friends and acquaintances, to some of whom he familiarly nodded, and a stranger would have taken him for an ordinary spectator. He wore his spectacles, and sat with ease and dignified composure in the dock, occasionally shaking hands with some of his friends. The countenance of the prisoner indicated to the physiognomist strong animal passion and irascible temperament. The cheek bones are high, and the mouth, with compressed lips, betray great resolution and firmness of character; the forehead is inclined to angular, rather low and partially retreating; standing below the middle hight, and by no means a man of strong muscular strength. His general appearance makes no favorable impression.

About 9 o'clock the Judges entered the Court-room, and soon every available place of accommodation was jammed up to excess.

The Court-room being filled to its utmost capacity, on the prisoner being called upon to plead, he stood up firmly in the dock, and pleaded "NOT GUILTY," in a strong and firm tone of voice, and while several of the Jurors were being examined and questioned by the Court, as to whether or not they had formed or expressed an opinion, he manifested much anxiety as to the answers given. In the course of the examination, officer Edward J. Jones attended the prisoner at the dock, and his counsel, William D. Sohier, Esq , and Judge Merrick, took their places immediately outside, near the prisoner, and were actively engaged scrutinizing the Jury panel, and attending to the swearing in of the Jurors.

Aspect of the Court-Room.

There was a degree of deep solemnity about the Court room as the examination proceeded, and the grave appearance of Judges upon the Bench, the constant buzzing that prevailed as

several of the Jurors were set aside, added to the interest of the entire proceedings. Among the many leading citizens in Court, we observed Rufus Choate, Esq , and several others, who seemed to take a lively interest in the proceedings. When the Jury were sworn, and the Clerk of the Court proceeded to read the indictments, the prisoner stood up in the dock and listened to the reading with marked attention. He betrayed the same degree of firmness and resolution which he exhibited from the time of his first entrance into Court, and almost every eye was turned toward him at the time. The proceedings from the hour of the opening of the Court, we give below in detail.

Progress of the Trial—Empannelling of the Jury, &c., &c.

At nine o'clock precisely, Chief Justice Shaw, with the Associate Justices, Wilde, Metcalfe and Dewey, entered. Justice Fletcher was too ill to attend. For a few moments a death-like silence pervaded the room, and was first broken by Justice Shaw, who ordered the clerk to call over the names of the persons summoned to serve as Jurors in this case—the number amounting to 61.

George Pratt, Francis P. Wallace, John C. Tucker and Jno. H. Foster. sent into Court certificates from their physicians, that they were unable to attend the Court, on account of ill health, and were excused.

Robert E. Newman, Charles G. Green, Esq., of the Post, James A. White, Sylvanus Packard, George W. Thayer, and William Duff, appeared and made oath, backed by physicians' certificates, that their ill health would not permit serving on the Jury without serious detriment, and were excused.

Peter B. Brigham made excuse that he belonged to the militia, and being liable to be called upon at any moment, was therefore exempt by the statute from serving on a Jury.

James Ingersoll was excused on account of age.

John B. Orcutt and Francis G. Whiston made the same excuse as put forward by Peter B. Brigham, and the validity of the excuse was admitted, and they were discharged.

Samuel D. Fiske made oath that he resided out of the county, and was exempt from serving on a Jury in Boston. He was discharged.

Thus making fifteen excused on the ground of inability and exemption by statute.

The State Attorney (Clifford) now moved that Professor Webster be placed at the bar for trial..

The Clerk of the Court having advised the prisoner that he had a right to challenge peremptorily twenty of the jury, proceeded to call the names.

William D. Adams' name was first called, and he was peremptorily challenged.

At this stage of the proceedings, Chief Justice Shaw addressed the jurors upon what the statutes considered as disqualifications in a juror, such as the formation and expression of an opinion, prejudices, &c., and instructed them to answer under oath, whether they considered themselves as coming within the boundary of the disqualifying statute.

Charles H. Appleton's name was next called, but he answered on his oath that he had formed an opinion and expressed it, upon the subject. Disqualified.

William H. Barly was next called, and was disqualified upon the same grounds as Mr. Appleton.

Chief Justice Shaw again addressed the jurors, charging them, that if they had any such opinions on the subject of capital punishment as would preclude them from finding a verdict of guilty, under any circumstances, that they were disqualified by statute, and were to make answer under oath, whether or no such prejudice was entertained by them.

George Bemis was opposed to capital punishment—discharged.

James Bliss had expressed an opinion in the premises.

John Boroughscale was unbiassed—accepted and sworn.

John Bowker, Jr., had formed and expressed an opinion—discharged.

Hiram Boswell was peremptorily challenged by the prisoner.

Robert J. Byron, challenged.

B. Chandler, challenged.

George H. Chapman had expressed an opinion, and was discharged.

D. F. Childs was opposed to capital punishment—discharged.

James Crosby was accepted, and, being unbiassed, was sworn.

Thomas Cunningham—absent.

John E. Davenport—accepted and sworn. He acknowledged that he was somewhat biassed, though not enough to influence his verdict.

William L. Eaton—challenged.

Geo. C. Frothingham—challenged.

D. F. Fuller was accepted and sworn, being uninfluenced by bias or subsequently formed opinions.

C. B. Gould—challenged.

B. H. Green—sworn; attempted to be excused on the ground of opposition to capital punishment, but his excuse was not admitted.

Daniel Hall—challenged.

Arnold Hayward was accepted and sworn; was unbiassed.

F. A. Henderson—unbiassed; accepted and sworn.

J. B. Hughes entertained opinions against capital punishment, and was discharged.

Geo. W. Learned—challenged.
M. A. Manimus—challenged.
Wm. O. Elvin—challenged.
Edward W. Pierce had expressed an opinion, and was discharged.
G. C. Salmon—challenged.
Stephen A. Stackpole was accepted by prisoner, and being unbiassed, was sworn in.

The Jury was here filled, and sworn in the case. They are—Robert J. Byron, Foreman; Joan Boroughscale; Mr. —— Barry; J. Crosby; J. E. Davenport; Albert Day; J. Eustis; N. T. Fuller; B. H. Green; A. Hayward; Fred A. Henderson; Stephen A. Stackpole.

The remaining jurors were now dismissed from further attendance until further notice.

The confusion incident to the retiring of the jurors having subsided, the Attorney General of Massachusetts, the prosecuting officer in behalf of the State, now rose to address the Jury.

Opening Address of the Attorney General.

Mr. Clifford addressed the Jury on the painful yet imperative duty which had fallen upon them, and exhorted them to throw aside all former prejudices which might have infected their minds, and to consider calmly and dispassionately the testimony which should be offered by the Government against the accused, as well as the evidence which the accused might offer in his own defense.

The events attendant upon the committal of the crime attributed to Professor Webster had created a wide-spread and universal excitement in the community, and it might be natural that the Jury should have participated in the feelings of the public; but they were now to discard this feeling, and in that Hall of Justice were to imbibe and nourish the sentiments to which that place should give rise in the bosom of every man who was bred up in a country possessing institutions like ours. The Government, in the course of the trial, would introduce testimony to prove that on Friday, the 23d of November, 1849, at a little after 1 o'clock, P. M., Dr. Parkman, who was a man of most regular habits, had just purchased, before his regular dinner-hour, a quantity of lettuce, which was at that time of the year a very rare luxury; and it was evident that Dr. Parkman had, in purchasing that article at that time of the day, the intention of eating it at his dinner table on that day.

The Government would also introduce testimony to prove that Dr. Parkman was not at his home on that day at his usual dinner-hour, nor ever after that. The last time he was seen on that Friday was while he was entering the Medical College in Grove street; and although many persons had at first declared that they had seen him at or after 5 o'clock, P. M., on the day of his disappearance, yet when these statements had been examined, it was proved that they were all mistaken as to the day, or the hour of the day in question.

On the Saturday succeeding the 23rd Nov., the streams around the city were searched, and the police was put in requisition, to discover, if possible, the body of the missing man. Large rewards were offered by the family and relatives of the Doctor for the recovery of his body, alive or dead.

Almost one week after the disappearance of Dr. Parkman, the men found, in a manner that would be related on the stand by a witness of the Government, the pelvis, thighs and leg, or legs, of a human being in the vault of a privy attached to the Laboratory of the prisoner, and attached to, or wrapped around these parts, were certain towels, having marked upon them the initials of Professor Webster. The towels, also, were new, and such as Professor W. had been accustomed to use in his Laboratory, in the exercise of his duties as Professor. In the furnace of the Laboratory were found shortly afterwards the fractured and half-consumed fragments of human bones, together with several blocks of mineral teeth which were recognized at once to have been those of Dr. Parkman, by Dr Keep, who had produced the mould in which he had manufactured the teeth in 1846 for Dr. Parkman, and proved that the teeth found in the furnace of the Laboratory exactly fitted the mould, and were, to all appearances, the same teeth that had belonged to, and had been used by Dr. Parkman.

In a box or chest of the Laboratory was found the thorax or chest of a human being; from the thorax the heart was missing; the ribs were fractured, and the interstices penetrated by a wound near the heart, and the flesh much torn; and when the different parts found in the privy of the Laboratory were placed together, and it was shown that the parts found in the different parts of the Laboratory were all different from each other, and all evidently belonged to one and the same body—and that the height of the individual to whom the remains belonged had been, while alive, about five feet ten inches, and the garments would prove that, from passports and other evidence, the hight of Dr. P. was just five feet ten and a half inches. It was also ascertained, by the investigation of scientific men, that all the mutilated fragments of a human body had been subjected to the action of powerful alkalies, and the chest, with the thorax, had been cut, with a hunting knife of singular form, and covered with an incrustation resembling that which would have been caused by the drying of blood on the blade. It would be proved by the Government that Dr. Webster had been subjected, by various causes, to severe and long-continued financial difficulties and embarrassments, and that he had in 1842 borrowed the sum of $460 from Dr. Parkman, for which he had given his note

The principal of that note was not entirely paid in 1847—in this latter year Dr. P. had taken a mortgage from Professor Webster of all his personal property to secure the amount still unpaid on the note. In April, 1849, a friend of Dr. Parkman's told him that Professor Webster had mortgaged his personal property to Robt. G. Shaw, and it would be proved that the prisoner had before that time obtained money from Mr. Shaw, on a mortgage of personal property, and by

statements made by him that he was in great pecuniary distress, and that an officer of the law was about to distrain his furniture. Dr. Parkman was a man of strict principles, and he thought that all other people possessed, or should possess, the same sentiments and feelings as himself. If he was deceived he was harsh, and pursued his debtors who were dilatory or delinquent with peculiar tenacity and vehemence. In this relation Professor Webster stood to Dr. P., and the Doctor pursued him with relentless fury as a dishonest man.

It would be proved by the Government that Dr. Parkman had openly threatened to institute legal proceedings against him for his dishonesty; that on the 12th of November, 1849, Parkman had called on Mr. Petty, Professor Webster's agent, for the sale of tickets to the lectures delivered by the Professor at the Medical College, and asked him the amount of money received by him as proceeds of his sales; and at a subsequent period had again called and asked the same question of Mr. Petty a second time, declaring his intention of trusteeing him for the amount then in his possession. This threat, it would be shown, had been communicated to Prof. W. by Petty, on the morning of the 23d of Nov. It would be shown in the evidence, that Prof. W. had called at the residence of Dr. Parkman, in Walnut st., and appointed to meet Dr. P. at the Medical College on that day, and at the hour when the missing man was last seen.

It was not known at the time by the family of Dr. P. that it was Prof. Webster himself who called that morning to make the appointment, but the Government had witnesses who would conclusively prove that such was the fact. It would be shown by the Government testimony, that on the Saturday and Sunday immediately succeeding the 23d November, that Prof. W. was, contrary to his custom, in his Laboratory, and that during that time and several days thereafter, several doors in the building, which were usually unfastened and open, were shut and fastened. On the Saturday after the disappearance of Dr. Parkman, Petty, Webster's agent, had given to Prof. W. the proceeds of the sales of tickets to the lectures, amounting to ninety dollars, and had at that time reminded the Professor of the threat made by Dr. P. to trustee the amount of sales in his (the agent's) hands, to which the professor had replied, "You will have no more trouble with Dr. Parkman, for I have settled with him."

Mr. Clifford spoke for two hours and a quarter, but owing to the distance of the reporter's desk from the bar, many of his remarks escaped our ear.

Mr. Clifford now moved to introduce testimony in behalf of the government.

Examination of Witnesses.

CHARLES M. KINGSLEY called—I have been the agent of Dr. Parkman since April or May, 1836; I was accustomed to see him once a-day at least, and often more than that; Dr. P. owns considerable property near the College; I reside in Blossom street; the doctor has an estate near my residence; I used to call at his house, and he would sometimes call at mine; on the afternoon of his disappearance, I wished to see him, and called at his house in Walnut street before 3 o'clock, and was told he had not been home to dinner; his usual hour was half-past two o'clock; he was usually very punctual in his arrangements.

I left word where I could be found that afternoon; heard nothing from him in the afternoon, and went to his house early the next morning, and learned that he had not been at home during the night; I was told that he had an engagement to meet a person at half past one o'clock on the preceding day; at once began to seek with whom this engagement was made; I traced the Dr. to Washington st., thence into Exchange and State sts. to Court st., and back to State st.; thence into Lynde st., Vine and Blossom sts., to Court square; from thence out into Cornhill square, near Joy's Buildings; thence into Water and Devonshire, and in this latter place I learned from the boy that Dr. P. had been there the day before at about half past 1 o'clock, and purchased lettuce there, but had not carried it away; I afterwards traced the Dr. to Grove st., and to the Medical College.

I continued my search until the middle of Saturday night; on Saturday afternoon the first reward was offered through the presses; in what papers it was offered I don't recollect; afterwards, on Saturday, got hold of a story that he had been seen in East Cambridge, at the Registry of Deeds; did not go until I had examined the houses belonging to the Doctor on the jail lands; went the next day to East Cambridge, where I remained until 11 o'clock, A. M.; I next returned to Boston, and went to the College with Constable Starkweather; we went all over the building and dissecting-room, and looked into the large vault for the reception of the offal from the dissecting-rooms; we did not go to the cellars; we went into Prof. Webster's room; it was then a quarter or half past 11 o'clock; we found the room door locked.

Here the Court adjourned until half past three o'clock, P. M.

Afternoon Session.

The Court entered and recommenced proceedings.

Continuation of the examination of Mr. Kingsley.—I was accompanied to the Medical College in company with officer Starkweather and Mr. Littlefield; we had knocked once without gaining admittance, and Mr. Starkweather had just turned to go down stairs, when Littlefield said that the Professor was in, and that we could gain admittance; Prof. W. soon came to the door, but did not pay much attention or speak to us; we entered and went through his rooms, and then went down stairs; on the following day I again went to the College in company with officers Clapp, Rice and Fuller; we went into Littlefield's apartments and searched every room, also his coats and pantaloons; we made quite a thorough search of the apartments and looked under

the beds, &c.; we did not know but that we might find some papers or documents belonging to Dr. Parkman.

We afterwards went down into the cellar through a trap door, and then to the apartments of Prof. W. Prof. W. came to the door. Mr. Clapp stated to him that we had come to make a search of the whole building, and also of the neighborhood. Mr. Clapp said that, as an officer, he was obliged to go where he was sent, but that no suspicion rested on any one attached to that institution. We then entered the Laboratory. Mr. Clapp, after looking through the Laboratory, approached a small private room, upon which Prof. W. told him that he kept his valuable and dangerous articles there, and so he did not go into the room, contenting himself with merely looking in through the half open door. I looked into the furnace of that room and perceived a considerable quantity in there. We afterwards went down into the lower room on Saturday, and on looking into the furnace I perceived a bright fire burning, but no ashes beneath the grate; it appeared as though it had been lately swept.

In another room we saw a tea-chest filled with tan, with some minerals thrown on the top; Messrs. Clapp and Webster did all the talking; while we were going through the rooms, we took notice of the minerals on the tan; some inquiries were made concerning the privy, which had not as yet been entered; Mr. Webster said that the key of it was lost; on going down stairs, I noticed several spots on the stairs, which appeared as though made by water; my attention was directed to them the more particularly, as I had noticed them there the day before, and they did not appear to have dried any; the officers and myself did not at the time make a very critical examination, as Mr. Clapp had remarked to Prof. Webster, on entering, that there was no suspicion resting on any one attached to the Medical College; we did not think much at that time of the remarks we made or of the conversation; the first reward offered, was to the amount of $1,000 for the recovery of Dr. Parkman, and afterwards a reward of $3,000 was offered; I carried some of the hand-bills to Chelsea myself; I went to the Hospital on Friday night, a week from the time of Dr. P.'s disappearance; I inquired for Mr. Littlefield, and found him in about 15 minutes; he had borrowed some tools for the purpose of breaking through the walls; as I stood knocking at the front door of Littlefield's house, and while I stood there, I heard a dull sound as though some one was pounding on a wall; this was after the arrest of Prof. W.; I was at the jail that night about ten o'clock, and there I saw Prof. W.; he was lying on the floor in the lower lock-up, face downwards; he did not seem to be able to raise or hold his head up; the officers managed to get him up and carry him up stairs; when he got there he asked for water; some was given him, and he attempted to take it in his hand, but he trembled so that he shook the water all over himself.

The attendants afterwards held the glass of water to him and he stooped down his head as if to drink, but he did not appear to do so. I never saw a man in such a condition before. We asked him if he would go to the College and explain appearances there. He said he would go there, but he had no explanation to make. He was perspiring very freely at this period, and Mr. Barker, County Attorney, asked him if he was ill. He said his extremities were freezing. Prof. W. was carried to the College in a carriage, and was led from it to his Laboratory by two officers, one each side of him. On going into the room, I asked where the key to the privy was. He said that it was at the end of the shelves—it was not to be found however, and we were obliged to go down to the lower Laboratory and break open the door. I did not notice the demeanor of Prof. W. for some time, as my attention was directed elsewhere. We went down through a trap door to where the hole was made in the central wall through to the privy; after we entered, we found the right thigh and right leg of a human being.

Here the defense presented the question whether it was the right thigh and leg, or left thigh and leg, inasmuch as the Government Attorney had stated in his argument that it was the left leg and thigh.

I did not notice anything peculiar in the behavior of Prof. W. at that time and place; we stood looking at the fragments of the body for about fifteen minutes, and then left the College; on the following day (Saturday) I was at the College with officer Fuller and some others. Mr. Fuller discovered in the tea chest before mentioned, the thorax and left thigh of a human body; I was up stairs at the time, and came down at their request, and saw the officers dragging a chest from the shelves to the center of the room; we took them out of the chest, and from the bottom of it there fell a large sized jack-knife, as I should call it; we afterwards found in a closet a pair of pantaloons and a pair of slippers, upon which were some drops of what we took for blood; Dr. Charles T. Jackson was present at this time.

An officer took charge of the pants and slippers, and wrapped them up in a piece of paper; I saw the saw which they took down from the nail on which it was discovered hanging; we found on the handle of it some marks which we supposed were made with blood; while at the Laboratory, I asked for a pen, and Littlefield handed me two, one of which appeared to be made of a reed, and Mr. Littlefield remarked, when he handed it to me, that he didn't think I could write with it; I was not present when the towels were discovered; the general appearance of the parts of the body found was those of Dr. Parkman's; he was a very slim man; don't know what his weight was; knew it 13 years ago; there was some peculiarity in his jaw; should not like to say positively that the parts of a body found at the College were those of Dr. P.; have heard Dr. P. use severe language on some occasions, but never heard him use profane language; I was not at Prof. W's. house in Cambridge at the time the notes were found.

Cross examination.—I went out to Prof. Webster's house I think on the 18th of December; went to Cambridge in the hourly, and then took a carriage; did not have a search-warrant on

that occasion; have heard Dr. P. use very severe language; he would sometimes call a man a knave or dishonest man; have heard him talk harshly to people who deserved it; never heard him use profane language.

[Here, from the confusion in the Court-room, and the distance of the reporter's seat from the witness stand, much of the testimony was unavoidably lost.]

Litttlefield knocked twice at Prof. W.'s door, rather loudly; do not know that there was anything peculiar in the manner of knocking; do not remember whether there was any conversation in the lecture-room; officer Starkweather went with me to the lecture-room; Prof. W. was dressed in his working-dress, that is to say, he had on an apron and cap the first time we saw him; he was also dressed in the apron and cap the second time; Prof. W. said that Mr Clapp had taken a privy key away; I saw tan in the tea chest—am sure of it; I saw a saw there also; it was a butcher's saw; I use that expression because it was a fine-tooth hand-saw, such as butchers use; saw something on the handle of the knife, which I thought was blood.

Direct examination.—The saw was such as carpenters use for fine work.

Patrick M'Gowan, called.—I lived with Dr. Parkman at the time he disappeared; remember that a man called between 8 and 9 o'clock on the morning of the 23d of November, to see Dr. P.; cannot say whether the prisoner at the bar is the one or not; Dr. P. was at that time passing from his study to the office, and he advanced to meet the man who called; I heard the Dr. say that he would meet him at half-past one o'clock that day; the Dr. left the house shortly after, and did not return to dinner; Dr. P. was a very punctual man.

Cross-examined.—I went to live with Dr. P. the 6th of September; I attended the door; do not know how many others called to see him that day; did not tell any body that day that the Dr. had gone away and would not be back again.

Robert G. Shaw called.—Am brother-in-law to Dr. George P.; he was 66 years of age at the time of his disappearance; was intimately acquainted with the defendant; I last saw Dr. P. on the morning of the day he was missing, about 10 o'clock; there was nothing unusual in his appearance at the time; we walked together from my house to State street.

On the Saturday following, his wife sent for me; I went to her house and found her in great distress; I immediately took measures, in concert with the relatives of the family, to solve the mystery of the Doctor's absence; our suspicions rested on a man who had several months before robbed the Doctor; a reward of $3000 was immediately offered for the recovery of the Doctor alive, or $1000 for his body; the first reward was offered the Saturday after his disappearance; I saw the remains found at the Medical College put together.

By Government—do you believe they were the remains of your brother-in-law, Dr. P.?

[Objected to by defense, as incompetent to testify. The Bench held a consultation upon the objections urged by defense, and declared that the question was admissible, as showing that there was good reason to believe it to be the body of Dr. P. in the mind of the witness. The Attorney General urged the question.]

When I saw the remains of the body found, I recognized them to be parts of the Doctor's body, as I believe, by the hair on the breast, from its color, and by one of his legs which I saw one day in my office; I discovered nothing different in the appearance of the remains from the parts of the body of Dr. P.; I knew, also, that he wore false teeth, similar to those found at the College.

Mr. Shaw was here requested by the Government counsel to relate what he knew of the pecuniary embarrassments of Prof. W. He stated that, in the latter part of 1848, Prof. W. called upon me and said he was in great distress, pecuniarily, and that he should like to get from me some money on a mortgage of his mineral cabinet; he said an officer was about to seize his furniture, and that his family were in great distress; I told him that I had not got the money at that time, but if he could get my note discounted, he might have it; he said he thought $600 would relieve him for that time. He took the note, got it discounted, and gave me a receipt.

Here Mr. Shaw read a paper signed by Prof. John W. Webster. The paper was an acknowledgment of the receipt of $600 from R. G. Shaw, in part payment for a cabinet of minerals, at that time in his (Webster's) possession, containing about 5,000 specimens. On this cabinet, Mr. Shaw showed by documents that he had advanced a further sum of $600—in all $1,200. I asked Dr. P. a short time afterwards what salary Prof. W. had at Cambridge, and said that he appeared somewhat pressed for money, inasmuch as he had but a short time before, April, 1849, sold me a cabinet of minerals to raise money.

At this Dr. P remarked that they were not his (Webster's) to sell, and he told me that if I would come to his house he would show me the mortgage of the cabinet to him by Prof. W.; the Doctor seemed very angry; I remarked that if Prof. W had told a falsehood in the matter he ought to be severely punished. [Here the Attorney General, Clifford, read a copy of the mortgage written by Webster to Parkman, whereby he (W.) had mortgaged all his furniture, books, minerals, chemical apparatus, &c., constituting his entire personal property; this mortgage was recorded in Middlesex county, February 13, 1847.

I mentioned this circumstance to a friend of mine some time afterwards, and offered to subscribe in paper my name for $500, with the intention of buying the Cabinet to present to the College, provided others would subscribe a sufficient amount to purchase the minerals. I subscribed the $500 with the understanding that that amount should be an offset by what was due me by Prof. W. The amount of $1200 was raised, the Cabinet purchased, and the balance of $700 paid to me.

Cross-examined—I believe the remains to be the body of Dr. G. Parkman from the fact that the Dr. was missing, as much as from the hair on his breast; if he had not been missing, I should not have thought anything about the peculiarity of his hair.

Direct examination resumed—I got the mortgage which has just been read, from Dr. P's. house after death, and before the session of the Coroner's Jury.

At this juncture, it being nearly seven o'clock, the Court adjourned until Wednesday, at nine o'clock, A. M.

On motion of the Government Counsel, the Court instructed the Jury to proceed, in the charge of three constables, specially sworn in for the occasion, to view the Medical College in North Grove street.

His Honor Chief Justice Shaw instructed the officers to exhibit to them the rooms occupied by Prof. W. as laboratory, &c., together with the privy, and the perforation of the central wall made by Littlefield, before his discovery of the remains in the privy vault. His Honor charged the officers and the counsel to tell the Jury merely what apartments they were shown, without comment.

The Jury were further instructed to proceed to the Medical College at half-past 7 o'clock, A. M., and return in time to attend Court by 9 o'clock.

SECOND DAY.

Francis Tukey, City Marshal, called.—I am City Marshal, and as such have the direction of the police under my direction; all the search was made that could be made to discover the body of Dr. Parkman; Mr. Blake came to my office at half-past ten or eleven o'clock, A. M., on Saturday, the 24th November, and told me that he wished to see me at his office; I went with him, and met at his office Mr. R. Shaw; they then told me that Dr. P. was missing, and that they wished me to institute a search for him; at 2 o'clock, P. M., the same information and order was given to the whole police.

After that, Messrs Blake and Shaw came to my office and asked what was to be done; I advised them to advertise; of the press the police learned nothing further, than that he had been seen at the west end at half-past one o'clock, Friday afternoon; the first notice given of the fact was given November 25th, and merely stated the fact that the Dr. was missing; on Monday, a handbill, offering $3000 reward for the recovery of the Dr. appeared. A day or two after, a reward of $100 was offered for a watch, without stating whose watch it was.

We gave in that notice a description of the watch known to have been in the possession of Dr. Parkman at the time he disappeared. A reward was afterwards offered, amounting to $1000, for the recovery of the body of Dr. Parkman. Of these handbills about 28,500 were distributed. All efforts that could be made by me with the force at my disposal, were made. A story was circulated in the city that Dr. P. had been seen at 5 o'clock on Friday afternoon, in Washington street, going south.

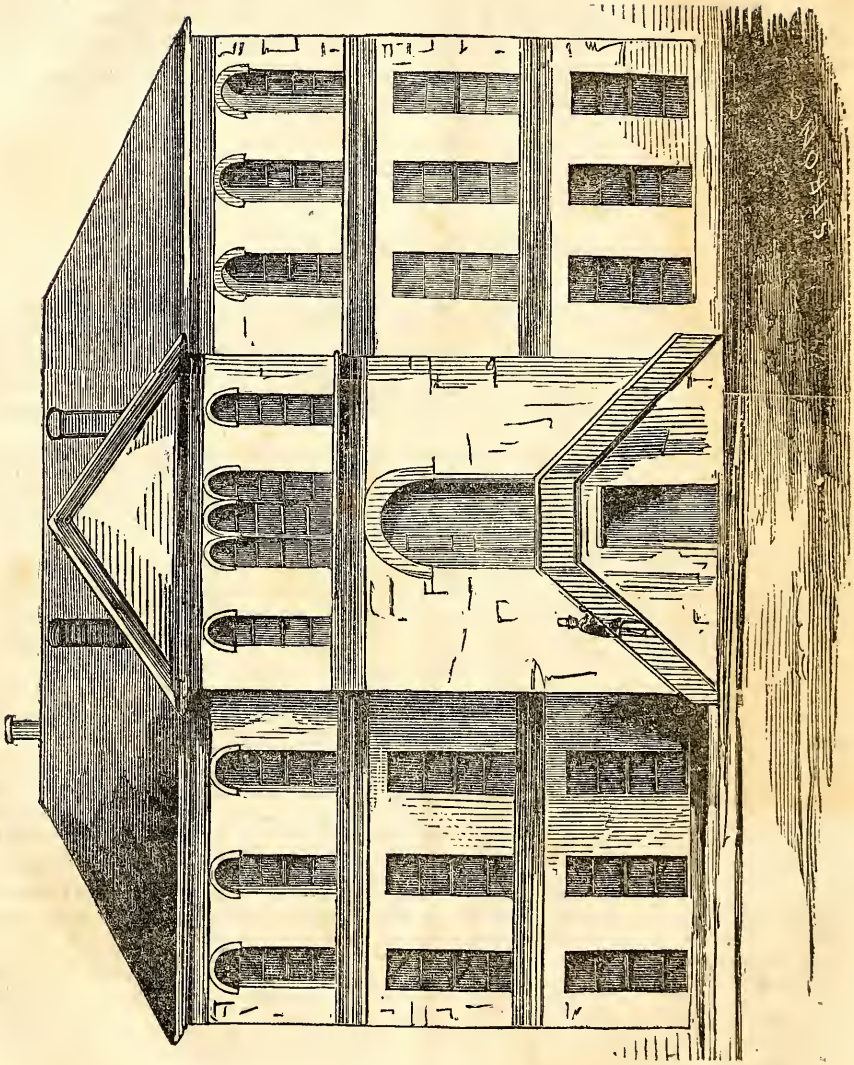
On the Friday of the next week succeeding the disappearance of Dr. P., I was informed by Littlefield, while at my office, that he had succeeded in piercing the center wall of the Medical College, and had found in the vault of the privy of Prof. W.'s laboratory, the remains of a human body; I put a revolver in my pocket, and started immediately for the house of Robert G. Shaw, Jr., informed him of the fact stated by Littlefield, and he went in my company and that of Dr. Henry Bigelow the younger, to the Medical College in North Grove street; we entered the building, and descended through the trap-door before referred to, into the cellar; we passed along the foundation of the center wall of the building until we came to the hole in the wall made by Littlefield; it looked as though lately made; pieces of broken brick lay around the spot.

[A well executed model of the Medical College, together with a map or plan of the ground floor and building, were here introduced, with a view to facilitate the inquiry and fix the localities in the building where the searches were made and the remains found; the model was neatly executed, each story of the building being well represented, and finished in such a manner as to draw off like the cover of a trunk or band box; its construction, according to the plans and specifications of the building, was most ingenious, and presented an accurate representation of every locality. The model was examined with great care and attention by the Court, Jury and Counsel, and seemed to excite much attention in Court. It was made by Mr. James Hobbs, of Boston

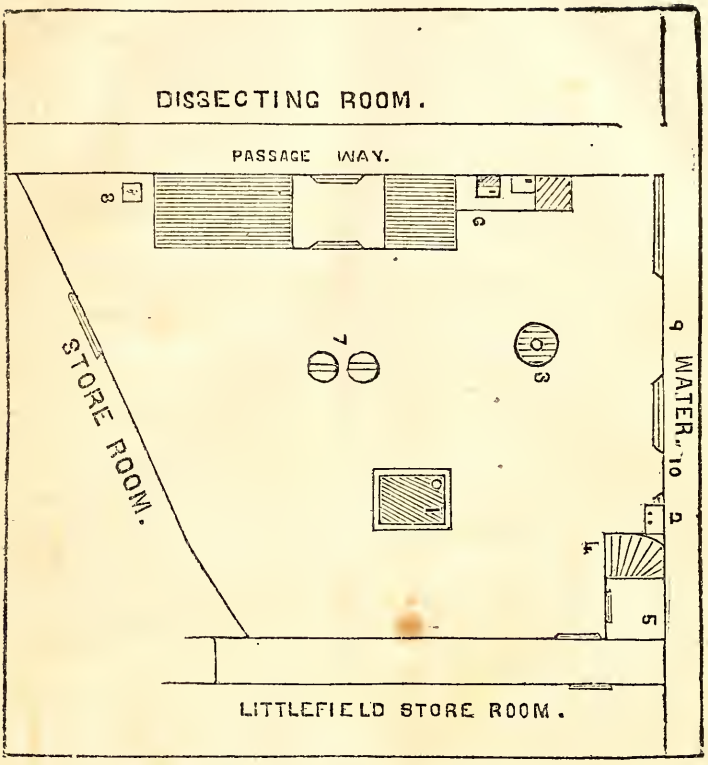
Mr. Bemis, junior Counsel of the Government, exhibited the plan of the building, to be introduced in evidence to the Jury, giving a full and elaborate description of it.]

[*For Cuts representing the above models, see pp.* 10 *and* 11.]

THE MEDICAL COLLEGE.



PLAN OF THE GROUND FLOOR.



Examination of Mr. Tukey resumed.—We looked into the vault through the hole, and could hear the water splashing in the vault, and there saw the remains, as first discovered; after looking at them a few moments, I ordered officer Trenholm and Littlefield to enter the privy and bring out the parts of the body; Littlefield went to get a plank, and they entered and brought forth the remains; I asked Dr. Bigelow if those were parts of a human body; he replied that they were; I asked him if that was a proper place for them to be put in; he said "no;" when Littlefield and officer Trenholm were in the vault, we heard some one walking above us; Littlefield came out of the vault and said that Dr. W. was in his room then; with that, we went up stairs and searched the building, asking the officers first if all was secured about. They then replied yes; by my orders, the officers then looked all over the building, but found no one—asked the officers if they had searched the Lecture-room—they said yes; we went also to the Laboratory and it was discovered that Prof. W. was not there, when we went there and looked into the large furnace; about that time I saw Constable Clapp with something in his hand; I examined it and saw that it was a slug, or cinder of coal mixed with fragments of bones; the box containing the bones that were found in the furnace, was here exhibited to the Court, by the witness, also a large knife, which he stated he found on the premises. The production of these articles created a thrilling sensation and general buzzing noise in the gallery. The blade of the knife was somewhat like that of a large Bowie knife, extremely pointed.

Cross-examined.—The first hand-bill was written by me, I think, on Saturday night, but was not printed till Sunday. On entering the apertures made through the brick wall, we were about one foot from a line with the hole of the privy overhead. The remains were lying a little one side from a direct line with the hole of the privy. Can't tell the precise distance—can't say which particular piece of the remains was most directly in a line with the hole; they lay a little toward the north wall. The hole in the privy was eighteen inches wide.

By Government.—Can't say whether the tide ebbs and flows into the vault; the foundation walls of the building are strong and compact enough to exclude any solid object, but cannot tell whether or no the tide could enter; don't know whether or no the inner walls of the vault had any projections or not; did not enter the privy vault.

Calvin G. Moore called.—Reside at the corner of Vine and Bridge streets; kept a grocery store opposite my house; saw Doctor Parkman on the afternoon of Friday, the 23d of November,

1849, in the store of Paul Holland, corner of Vine and Blossom streets; I went in to get some articles, and while there, the Doctor came in; it was between one and two o'clock; it was about twenty minutes before 2 o'clock; he entered from Vine street; the next day (Saturday) the officers came to my house and asked me at what time I had seen Dr. Parkman. I told them when the Doctor entered the store he bowed to me, and we passed the time of day together; he then asked Holland about some sugar which he wished to purchase; he pointed to a bucket, which he told H. to put it in after he got through with the purchase of the sugar. He ask Holland if he had any good butter; Holland said yes; he asked to look at it; they both went to the butter chest or firkin, and had some talk about it; after the Doctor had finished his business with Holland, he conversed a moment or two with me about the weather; said it was very fine weather for the time of year, and that nobody could complain of weather like this. He passed me and went to the door opening on Blossom street; he appeared to hesitate and stopped as he opened the door; he stooped over the counter and said something to Holland, which I did not hear, after which he went out; did not notice which direction he took.

Cross examined.—The Dr. appeared as he always did, as though he was in a hurry. I dined that day at half-past twelve o'clock; if I am not in a hurry I take a longer time to eat my dinner than when I am in a hurry; was called to testify before the Coroner's Jury; don't remember whether I said before the Jury that I left my own house at twenty minutes before one o'clock on Friday; don't know whether anybody wrote down the statement made by me, concerning the time I left my house. Kingsley told me that Dr. P. had not been seen since the day before at 2 o'clock, and I came to the conclusion that I had seen him about that time on Friday, the 23d, after this fact was told me by Kingsley. My wife's name is Martha.

Mrs. Martha Moore called.—I reside corner of Vine and Bridge streets; knew Dr. Parkman by sight; did not see him on Friday, the 23d of November, 1849. I sent my son, George, to school that day, at 10 minutes before 2 o'clock; he (my son) was on the side-walk. I remember seeing a truck near the side-walk; spoke to my son from the window, which was open at the time; know it was 10 minutes before 2 o'clock, because I had just looked at the clock; my attention was called to this fact, of sending my son to school, about one week from that time

Cross-examination.—My son attends the school; it commences at 2 o'clock P. M. He is not usually late at school, nor do I customarily remind him not to be late; remember that this was on Friday, because I heard people talking about it; my son George, also told me, within a day or two, or it might be a week, that he had seen Dr. Parkman on the Friday afternoon of his disappearance; this was stated to me by George in common conversation; no one else was present at the time; do not remember of anything else which reminded me that this occurred on Friday, the 23d of November.

By Government.—My son George came to Court with me this morning.

George L. Moore called.—I am twelve years of age; I live at the corner of Vine and Bridge streets; knew Dr. Parkman; saw him on Friday, the 23d November, in Fruit street: I was standing near a truck in the street; he was passing down toward Grove street. [Here the witness was shown a plan of the streets of and near Fruit street.] It was about ten minutes before 2 o'clock; remember the time because my mother had just told me to go to school: another boy was with me at the time; his name is Dwight Prouty, Jr.; we went to Phillips School, in Pinckney street; it was about a quarter of a mile from my father's house; we got to school just before it was tardy or late, on that day.

Cross-examined.—Dr. P. passed me on the same side of the street; I mentioned it to the other boy, saying "There goes Dr. Parkman;" told my mother of this the next day.

Dwight Prouty, Jr., called and sworn.—Am 13 years of age; saw Dr. P. on Friday, the 23d November, 1849; left my own house for school that day at a quarter before two o'clock; I met some other boys near my house; I live at 24 Bridge street; heard George Moore's mother tell him that it wanted ten minutes of two o'clock; she was looking out of the window; think Dr. P. wore an overcoat on that day; we went right to school without stopping, after Moore's mother spoke to us; the doctor had passed us a few moments before, and was going in the direction of Grove street.

Cross-examination of this witness declined.

Elias Fuller called.—I carry on an Iron Foundry, known as "Fuller's Foundry;" my office is at the corner of North Grove and Fruit streets; know Dr. P.; have had many business transactions with him; he has a claim on the land occupied by my foundry; on Friday, the 23d of November, I stood at the front of the counting-room, waiting for a man of the name of Harris; Dr. P. passed me as I stood there a few minutes before 2; I had inquired of some person about, some time before Dr. P. came up, what time it was, and was then answered 20 minutes before 2 o'clock; after the Dr. passed, I again inquired what time it was, and was told that it was but a few minutes of 2; the Dr. was passing toward the Medical College in North Grove street; as the Dr. passed me he saluted me.

To the Court—Dr. P. was on the other side of the street, and he came over where I was; there was no sidewalk on the opposite side of the street.

Cross-examined—The Dr. was walking fast when I saw him; think he was dressed in dark clothes; he wore a frock coat.

Albert Fuller called and sworn—I carry on an iron foundry in North Grove street; knew Dr. Parkman; have had business with him; he passed me on Friday the 23d, while I was standing at my counting-room door, Grove street; don't think he saw me; I thought at first he was coming in, and so stepped back; Dr. P. came across the street; I last saw him within 40 or 50

feet of the Medical College; this was between the hours of half-past 1 and 2, and the nearest 2; I was weighing castings at the time, and I remained in that place all the afternoon; my position was directly opposite Fruit street, and if he had come out of the College that way during the afternoon, I should have seen him; there are two ways by which the Doctor might have left the College; my brother Elias inquired the time of me that day, about the period when the Dr. passed; I heard of his disappearance the next day afterwards; I knew where Dr. W. resided at the time; on the Tuesday after Dr. P.'s disappearance, Prof. W. came into my counting-room to sign a check; William Littlefield came to my counting-room on Friday of the next week after the disappearance of Dr. P., to borrow some tools to break through the wall; he borrowed a hammer and chisel: the remains were found that evening; Littlefield borrowed the tools at the same time; think my brother Leonard had lent him something previously; didn't go to the men; called to see what use Littlefield made of the tools; Mr. Kingsley came to me that afternoon to inquire about Littlefield, and he went to the door of the College; Prof. W. said, when he came to my counting-room to fix the check, that nothing had been heard of Dr. Parkman.

The cross-examination of the witness elicited nothing of importance.

Leonard Fuller called—I am brother of Elias and Albert Fuller; Littlefield borrowed a drill, about four feet in length, on the day of the arrest of Prof. W. He borrowed some other tools from the establishment; he was dirty and perspiring at the time; he took a chisel and hammer from my brother and went to the College; I did not see him again that night; I have known Dr. P. for the last ten years; he was in the habit of coming into our counting-room every day; he was very prompt in his manners; saw him on Friday the 23d; there was nothing unusual in his appearance at that time.

Cross-examination—Did not have any conversation with him that day; was in my chair at the time I saw him; don't remember what kind of clothes he had on.

Paul Holland called—Was at my place of business, corner of Vine and Blossom streets, Friday, the 23d November; saw Dr. Parkman on that day, between one and two o'clock; he came into my shop and stayed about fifteen minutes; he bought thirty pounds of crushed sugar and six pounds of butter; he brought a paper bag with him into the store, and asked permission to leave the bag in the store for a few, or five minutes. don't recollect which: I stood behind the counter when he went out; he said any time would do to send the articles purchased to his house; the bag remained in my store till evening; I then opened it and found that it contained lettuce; sent the articles purchased to his house on the evening of the same day; heard that Dr. Parkman was missing the next day, from Mr. Kingsley; there was some one in the store; I have a clerk; the clerk was absent at dinner at the time; he, the clerk, usually dined at one o'clock.

Cross-examined—My clerk generally gets back from dinner at two, or a quarter before two o'clock; I live in Spring street; Dr. Parkman did not appear to be more in a hurry than usual; he wore a black frock-coat, vest and pants, and silk or satin cravat.

Jabez Pratt, Coroner, called—Am one of the coroners of this city; was called upon in my official capacity on the night of Friday, Nov. 30th, to hold an inquest on some remains found in the medical college in Grove-street; I went immediately to the house of the County Attorney, S. D. Parker; had known Prof. Webster before this time; saw him that night in the jail in Leverett street; went into the lower lock-up under the jail in company with Dr. Martin Gay; Prof. W. was lying on his face on a cot, apparently in very great distress; Dr. Gay endeavored to soothe his feelings, and to get him up; Prof. W. said he was unable to get up; he trembled all over, and exclaimed "What will become of my poor family;" we carried him up stairs; the officers had to lift and carry him up the stairs; he called for water, and some person offered him water, but he could not drink; as we were going to the county jail we were instructed by the County Attorney not to talk with the prisoner; Mr. Parker stated to Prof. W. that some discoveries had been made at the medical college, and asked him if he was willing to go down there and make an explanation; didn't remember whether Prof. W. gave anything more than assent to go down to the college or not; when he entered the carriage he was in the same condition that I first saw him; we had to lift his feet into the carriage after we got his body in; heard him complain of being cold; when we arrived at the College, we went up to the front door of the building, and Prof. W. was carried between two officers; in the carriage he complained of the manner in which he had been taken from his family; we entered by the South front door; went into the lecture room; the officers who had hold of him were Cummings and Leighton; I think they had some conversation with the prisoner; we then went from the lecture room to the upper laboratory and broke open the door; some one inquired for the key of the little room or closet in the laboratory; Prof. W. said that he kept his dangerous articles there, and that officer Clapp had the key; it was finally broken open with an axe; we saw a coat hanging there, which was the one the Professor wore to lecture in; Prof. W. told us to be very careful or we would break some of the bottles and do great mischief; we came to the shelves with drawers, and broke open several of the said drawers; Webster objected to the breaking the drawers, and said we would find only demijohn-bottles; some inquiry was made for the key of the privy; Prof. W. said he hung it on a nail near the shelves; as I expected to be called upon some official duty, I did not take so much notice of the rooms as I should under other circumstances; while I was in the laboratory, the key was tried in the privy door, but did not fit it; we broke open the privy door and tore up the seats. Some one said "where is the chimney?" I went to the furnace, and found something like pieces of bones in it. I directed the people standing about to let it remain as it was. It appeared as though there were some minerals there likewise. Cannot give you a descrip-

tion of the behavior of Prof. W. on that night. It was different from what I ever saw before. He appeared like a mad creature. When the water was offered to him he seemed to snap at it with his teeth, and then he pushed it away, as though it was very offensive to him. Prof. W. appeared more calm whilst in the upper room, than while in the laboratory. I went into the cellar through a trap door, and saw the remains brought out through the privy vault. I noticed that the professor was very much agitated at the time. After the prisoner had returned to the jail, the remains were carried into the laboratory of Prof. W. Don't remember whether it was before or after Prof. W. was carried to the jail. I made no further search that night. Don't know what the officers did. Summoned a jury to sit in inquest on the remains at 4 o'clock, P. M. on the next day. I took out the contents of the furnace either before or after the session of the Jury. Can't say exactly which of the police officers assisted me in taking out the contents of the furnace. I directed the officers to take out all the pieces of metal and bones which they could find among the slugs; there were some pieces of metal and bones which they could not find among the slugs that looked like lead, and some that looked like gold; after taking out a little more than half the contents of the furnace, I found that there was a considerable quantity of fragments sticking to the bricks; the fragments were not very large.

At this juncture the court adjourned until half-past three o'clock.

Afternoon Session.

The Court came in at 25 minutes before 6 o'clock.

Jabez Pratt, Coroner, recalled—There was a piece of an artificial jaw with some mineral teeth found in the furnace near the bottom. There were two or three other teeth found among the cinders. These teeth were put by my orders into the hands of Dr. Winslow Lewis. The teeth were about two-thirds of the way from the top of the furnace. The furnace was about a foot in depth. A considerable portion of the ashes and cinders was put by my orders in the hands of surgeons and scientific men. Don't know what portion of the bones Dr. Wyman took; that matter was settled among the Doctors themselves. Some of the bones were put into a box for safe keeping. All of them had not been taken out of the slugs. They were taken out about 9 or 10 o'clock, A. M. and before the Jury of inquest was summoned. Don't recollect what officers were left in charge of the College. Can't undertake to say what the bones were that were found in the furnace. I have in my custody a tin box made by Mr. Waterman for Webster after the disappearance of Parkman. While we were taking out the cinders from the furnace the teeth fell through the grate.

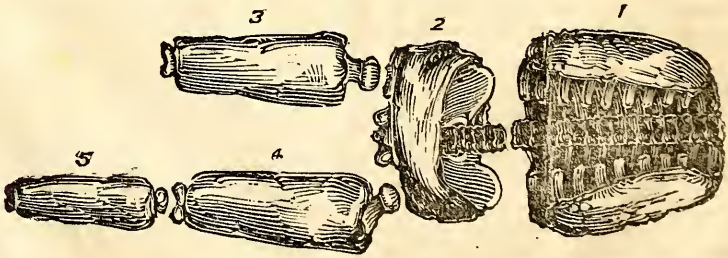
[The tin box with the cover, in which some of the bones were found, were here produced and shown to the Court and the Jury. The box measured about 2 feet in length, by 18 inches in width, and about a foot high. It was heavily soldered at the different joinings, and appeared quite new. Its production in the court created some stir and excitement in the gallery, and at the same time the multitude outside Court loudly shouted.]

Cross-examined—Can't tell what the substance sticking to the sides of the furnace was composed of; I broke them off the day they were discovered, and they fell among the ashes; there were pieces of bones in the fragments broken off; don't recollect what officers were left in charge of the College; I did not go as far as the hole made by Littlefield in the wall of the vault.

Dr. Winslow Lewis, called—I was at the Medical College on Saturday, the day after the arrest of Prof. W.; Dr. Charles T. Jackson, Dr. Martin Gay, Dr. James W. Stone, were there also; the Coroner sent for me to attend; Dr. Stone took charge of the bones and of the pantaloons, supposed to have blood on them; Dr. Stone, Geo. H. Gay and myself undertook to furnish a report upon the peculiarity of the parts of the body found in the College.

[Here the report was produced. The signature of Dr. Lewis exhibited to, and acknowledged by him, and the report was read by the junior counsel for the Government, Geo. Bemis, Esq. A diagram, also, was exhibited by Dr. Lewis, meanwhile, and the report was illustrated to the Jury by means of it],

THE REMAINS FOUND IN THE MEDICAL COLLEGE.



No. 1.—Represents the vertebræ and thoracic cavity which is charred, and contains the lungs.
No. 2.—Represents the pelvic cavity, covered by flesh in its lower part.
No. 3.—The right thigh disarticulated from the pelvis.
No. 4.—The left thigh disarticulated from the pelvis.
No. 5.—The left leg disarticulated from the thigh and foot.

The surgeons who made the examination said that the wood-cut of these remains given in the papers, is as accurate as could be made.

Question by the Government.—Would it not be requisite in order to cut up the body in the manner as stated in the report, that the person doing it should possess some scientific skill?

Answer.—In my opinion it would require considerable scientific skill—the separation of the sternum from the ribs appears to evince some knowledge of anatomy. There was nothing in the remains found that would lead one to suppose that he belonged to a subject for dissection, and not to the body of Dr. P. They were evidently not separated for the purpose of dissection—if they had been, we should have found in the veins and arteries some preserving fluid, such as it is customary to inject into the organs for circulating blood, at the time they are received at the College. Am perfectly satisfied that they are the remains of one and the same body. A block of mineral teeth were handed me by the Coroner; I carried them to my house, and kept them for the purpose of showing them to Dr. Keep, for the purpose of identification. I gave them to Dr. Keep.

Cross-examined.—Have been acquainted with Dr. Parkman about 30 years; there were no marks about Dr. P's body that were peculiar to him; the comparison of one body with parts of another body as to hight, will give the stature almost to a certainty; there were two perforations of the parts of the body; the thorax and left thigh; the flesh of the parts was easily torn, and it was somewhat friable; the usual quantity of blood in a person of Dr. P's size is about two gallons; there would be about two quarts of blood in the venous system of a man of his size after death; cannot say how much time it would have taken to consume the parts of the body that were missing by fire, because I have not now in my mind the quantity of fuel the furnace would contain; there was nothing in the appearance of the remains that would indicate the age of the body with any certainty within 10 years; the parts of this body and the muscles were well developed; I gave the mineral teeth to Dr. Keep; he returned them to me, and I gave them to the Coroner.

Direct resumed.—If a person had received a wound in the region of the heart, he would, in most cases, bleed inwardly. Can't tell how long it would take to burn the parts of the body that were missing, with any certainty—never burned a human head in my life. Cross-examined.—The blood of a person after death is stagnated in the venous system.

Dr. J. W. Stone, called.—I was present at the examination of the remains found in the Medical College, in the capacity of Secretary; there was a considerable quantity of hair on the back of the body; that on one side was somewhat burned; have known Dr. P. about 6 years; the appearance of the remains was that of those belonging to a person between 60 and 70 years of age; the manner in which the parts were separated would lead one acquainted with anatomy to the conclusion that the person who separated those parts was possessed of some anatomical skill; the dissection of the *sternum* from the breast bone indicated this more clearly than anything else; there was no appearance in the parts which indicated that they had belonged to a subject for dissection; the body had not been injected as is common with subjects of the dissecting room; if the injection were only arsenical, after a while the appearance of it would be likely to disappear; sometimes glue is mixed with it, and then it would not disappear; these were not injected with glue; a portion of one of the intestines had the appearance of having been operated on with a knife.

Cross-examination.—The flesh of the parts was very soft and easily broken; it was also apparent that fire had been applied to it; we looked for a wound in the chest, but we found none, nor was there any indication on the thorax or chest that it had been penetrated by a knife.

Dr. Geo. H. Gay, called.—I was one of the committee of surgeons appointed by the Coroner to examine scientifically the parts of the body found in the Medical College; think that the head was separated from the body by a saw; it would be a difficult thing to separate the head of a person from the body with a knife; don't know whether the hole in the thorax was made by taking it out of the tea-chest or not; I saw a perforation of the membranes between the ribs just after it had been taken out of the chest.

Cross-examined.—The hole was about an inch and a half in length, and was between the sixth and seventh ribs, but there was no indication that it was done by a knife; I thought that it was done with a stick when I had first seen it.

Direct, resumed.—This observation was made at 3 or 4 o'clock Saturday afternoon.

Dr. Woodbridge Strong, called.—I have dissected a good many bodies in my day. I had a pirate given me in warm weather, in the year ——, and as I only wanted the bones, I dissected him rapidly, and as there was a good deal of fat about him, I thought it would be as good a way as any to burn him up; I therefore made a large roaring fire, and kept at work throwing on piece by piece all night, and by 11 o'clock the next day, I found I had not done by a great deal. I consider it a great job to burn up a human body. Pitch pine would be the best thing to do it with. It is necessary to keep the fire well stirred up during the process, or it will go out. I have known Dr. Parkman several years. Saw him for the last time on the Friday on which he disappeared, at 12 o'clock, in or near Belknap-street, going toward the Common. I had the intention of speaking to him, but he turned off still toward the Common before I reached him. I went to the Medical College on the Tuesday succeeding the disappearance of Dr. Parkman. As I did not expect at the time to bear testimony before a Court, I did not take notes of what I saw. When I saw the remains they were on a board. I observed that they appeared to have been separated

by one acquainted with anatomy. I inquired if there was any perforation between the ribs, and was told that there was none; but on turning the chest over I found between the sixth and seventh ribs what appeared to me to be a clean cut, penetrating in a posterior direction, and apparently, made there by a very sharp knife; the wound was made in the direction of the large blood-vessels; the hair on the remains was mixed gray hair; the skin had lost the appearance of elasticity which characterizes that of the young subject, and had the appearance of belonging to a body between 50 and 60 years of age; there was a peculiarity in the position of the shoulders and the hips; the body had the appearrnce of being disproportionably long.

Cross-examined.—Have known Dr. P. many years: had done business with him; have been in his office often, and he in mine, and I flatter myself I was somewhat acquainted with him; I do not know that I ever saw any part of his naked body; have made anatomy my study for years, and always examine the form of every person with whom I meet; if I meet a man in the street whose shoulders are too much behind, I notice it; if I meet a lady with a crook in her back, I notice that too; never attempted to burn a human body in a furnace; think the furnace in the laboratory in the College, from which the slugs were taken, was a very poor thing to burn a body in; a stove would have been much better; if too much human flesh is put on to a fire of anthracite coal, it will go out; a person wounded in the manner indicated by the wound in the thorax, found in the chest, would bleed inwardly, perhaps entirely, and the wound penetrating the great aorta, near the valve, would cause the wounded person to faint, and I doubt if he would ever breathe again.

To a Juror.—The proportions of Dr. Parkman's body had often been scrutinized by me.

[Witness, here, was very facetious in giving his answers, and the prisoner smiled repeatedly at the manner in which they were given. At one time, indeed, Prof. W. laughed heartily with the crowds in Court, who were convulsed with laughter.]

Dr. Fred. S. Ainsworth called.—I am Demonstrator of Anatomy at the Medical College in North Grove street, and any subject for dissection which comes to the College must pass through my hands. I keep an account in a book of all subjects received. Had my attention called to this account-book during the session of the Coroner's Jury, and found that I had all the material that I ought to have exclusive of these remains. The conclusion I came to on examining the remains was, that they did not belong to the body of any subject sent to the College or to me. I am accustomed to inject the arteries of all subjects that come to the College for dissection, with a solution of arsenic acid or chloride of zinc, alum and saltpetre. Dr. Webster had nothing to do with preparing the bodies for dissection. My opinion was, on viewing the remains, that the person who cut them up did not know anything about anatomy. He might have seen a body cut up here, but I doubt whether the person who did the cutting of the remains ever had the knife in his hand before. The sternum was separated from the ribs in the only way they could have been disjointed with a knife, and this was the only part of the body which did manifest the least degree of anatomical knowledge in its separation.

The Court here adjourned until 9 o'clock on Thursday morning.

THIRD DAY.

The Clerk proceeded to call the witnesses, and when the Court was fully organized, testimony for the Government resumed.

Dr. C. T. Jackson, called and sworn.—I am a chemist by profession; I was one of the persons called to examine the Medical College shortly after the discovery of the remains: went on Saturday, P. M., Dec. 1st, 1849; I went with Dr. Martin Gay, and met Dr. Winslow Lewis there; Dr. Lewis made the preliminary arrangements for the examination.

The chemical examination was undertaken by Dr. Gay and myself: the remains were handed over to the surgeons. I am a physician by profession also. I undertook a chemical analysis of the slugs found in the furnace, and also of pieces of the skin and flesh found. The manner in which the parts were separated would seem to indicate that the person who did accomplish the separation was somewhat acquainted with anatomy. The flesh was cut up boldly toward the ribs, and the cartilages were divided in a skillful manner.

I found by examination that the portions of the remains in the tea chest had been treated with a slimy solution of caustic potash; I was acquainted with Dr. Parkman; there were some peculiarities, I think, in the figure of the Doctor; the Doctor was broad and flat in the pelvis.

[Here the report made by Dr. Jackson to the Coroner's Jury was read to the Court by Mr. Bemis, Jr., counsel for the Government.]

I dissected out the blood-vessels from the thighs found in the College, and they and their contents were analysed by Dr. Cronsley, a very skillful chemist, who is in my employ. The result of the analysis showed that the arteries and veins had not been injected with any of the solutions used in the injection of bodies for dissection.

The best thing to dissolve a human body is caustic potash; the quantity required would be about half the weight of the body; the time requisite to consume a body, bones and all, would be about two hours; nitric acid would be the next thing to caustic potash to dissolve a body in; the requisite quantity would be equal to the weight of the body to be destroyed.

REPORT FROM DR. JACKSON TO DR. WINSLOW LEWIS, JR

Dear Sir: I present below an account of our examination of the furnace contents, list of articles found in the laboratory furnace cinders, delivered to us by the jury of the Coroner's inquest at the Massachusetts Medical College, in Boston, Dec. 1st, 1849. These articles were sorted on Sunday, by Drs. Sherman, Ainsworth, and myself, Dr. Gay having been obliged to leave for the day. Bones found in the cinders from the furnace—Right oscalsis, right astragalus, tibia and fibula, phalurges, probably of the middle or ring finger; coronid proof of lower jaw; numerous fragments of a skull, a human tooth that had a hole in it, as if once filled by dental operation; three blocks of artificial mineral teeth were also found in the cinders without the gold plate; a pearl shirt button was found in the ashes, and was partially calcined; numerous little cup-shaped pieces of copper similar to some seen in one of the laboratory drawers, were also found.

Many pieces of glass were mixed with the slugs, and pieces of metal were found in and among the cinders; these various articles were all carefully examined, and such as needed chemical analysis were subsequently taken by Dr. Gay and myself, and examined; the lumps of metal most abundant in the furnace cinders were tea-chest lead, and an alloy of tin and lead in nearly equal proportions.

The tin predominating in the pieces analysed; the cinders being pounded and washed, disclosed some small globules of gold and an alloy of silver and gold. The amount of gold found was small—30 grains; the amount of silver was small. After your examination of the human body committed to you, I made some chemical examinations of the surface which had been discolored on the chest and one thigh, and found that they had been imbued with a solution of potash. This I determined by chemical analysis, finding potash and a little sea salt. There was an evident corrosion of the surface of the skin by the action, probably, of the potash aided by heat. I found potash in the skin of both the thigh and thorax and in the muscles; at each end of the discovered thorax, the alkali being very strongly marked.

The dark color of the skin which had been acted upon by potash was probably in part colored by the tan, the potash aiding in this coloring; I found no alkali in the interior of the thigh, nor in the flesh of the back beneath the skin; I observed that the hair on the left side of the thorax had been singed by fire.

I noticed that the skin was corroded by potash and was quite tender near the opening in the skin opposite the first and seventh ribs, and that the edges of these openings appeared to have been corroded by that alkali; I dissected out portions of the femoral arteries and flesh of both thighs, and the artery and vein of the leg, to ascertain whether the body had been injected with the fluids used for preserving bodies in the dissecting-room. These I gave into the hands of Dr. Martin Gay, for analysis, and he has caused an examination of one of these pieces to be made in my laboratory by Mr. Richard Crosby, who found no traces of zinc or arsenic substances used in the preservation of bodies in the dissecting-room.

The spots on the wall, floor and furniture, shown us by the Jury and Police, were submitted to the examination of Dr. Jeffreys Wyman, as were also the spots on a pair of pants and slippers submitted to our inspection, and his results will probably be reported to you by that gentleman. The results to which I have arrived are that portions of a human adult skeleton were found in the cinders and coals, and submitted to my examination. That tea chest lead had been thrown into the fire—that the gold found may have been derived from the set of mineral teeth found in the fire; that the silver was in small quantities; that the skin and parts of the thorax and body you examined had been subjected to the action of potash, and an attempt had been made to burn the thorax in the fire, but had not been persevered in; these are all the conclusions we are authorized to draw from the premises herein set forth, and from the examination submitted to the chemical department of your committee.

Respectfully submitted,

By your obedient servant,

C. T. JACKSON.

Dr. C. T. Jackson's testimony continued.—Potash is best, because it can be used in any common vessel made of metal, such as iron, copper or tin; the potash used in dissolving a body, should be boiled during the operation, which would be greatly expedited by the application of heat. Nitric acid would require peculiar kinds of vessels to consume the flesh in; I saw several bottles in the closet of Prof. W.'s laboratory, some of which contained nitric, and some muriatic acid; there was not, I think, more than ten pounds of nitric acid in all the bottles there; on the walls and on the stair-case leading from the tower to the upper laboratory were drops or splashes of a greenish liquid which by the employment of test papers I discovered to be nitrate of copper.

The splashes looked as though made separately upon each stair, and not as a consequence of a quantity of liquid accidentally spilled from above. In the ashes of the furnace were found some punched pieces of copper, which had apparently been subjected to the action of nitric acid, to produce nitrate of copper. I call them punched pieces because they resembled the pieces that are struck out from the bottom of a cullender with a punch by the manufacturer. These punched pieces found in the furnace were of precisely the same size and form as those found in a drawer in Prof. Webster's laboratory, only they were somewhat thinner in consequence probably of the action of the acid upon them.

From the slugs taken from the furnace there were separated in all 173 60-100 grains of gold.

Of this quantity, Dr. Gay separated 47 grains; Mr. Andrews, 81 5-100 grains, and myself 45 6-10 grains. Have been acquainted with Professor Webster several years; we visited each other often in a friendly way.

[Here the singularly-formed knife was exhibited.]

I have seen that knife in Professor Webster's laboratory; saw it there before Parkman's disappearance; when I saw the knife at the laboratory, after the disappearance of Dr. P., there was a small quantity of oil and whiting on it, as though it had been recently cleaned.

There is a small portion of oil and whiting on the knife blade now, similar to that I observed on it at the laboratory on Saturday, Dec. 18, 1849. I think the cover of the furnace was sufficiently tight to keep the odor of any burning substance from getting into the room.

Cross-examined.—The drops on the wall and staircase were nitrate of copper; am certain of it; knowing Dr. P., to be missing, I should have no reason to believe that those were his remains found in the Medical College; there was nothing that indicated that the parts had been boiled in potash. I found caustic potash on both ends and sides of the thorax, but none in the interior of it. A body dissolved in nitric acid would become liquid—a thick yellow liquid; flesh would dissolve in nitric acid quicker than bones; the bottles seen by me in the laboratory were near full at the time; was there on Saturday and Sunday. The splashes of nitrate of copper on the walls could not have been made a great while when I first saw them; the colors would have been different if they had been there longer, for their color has changed much since that time.

To the Court.—A few minutes of the joint action of potash and fire would be all the time requisite to soften the flesh of the thorax and thigh to the degree that it was softened when first found. I took a piece of the Norway pine, on which were the spots supposed to be blood from the staircase, which I now produce, and subjected them to the action of nitrate of copper, but did not ascertain by that process whether the spots were caused by blood or not.

Richard Crosby, called.—I am assistant to Dr. Jackson; am a practical chemist by profession. I analyzed the arteries and veins and their contents, taken from the remains found at the Medical College, to discover if there was any arsenic, acid, or chloride of zinc in them, and the result showed the negative. I analyzed the drops of nitrate of copper, and the result corroborated that obtained by Dr. Jackson.

Dr. Nathan C. Keep, Dentist, called.—I am a dentist, and was acquainted with Dr. George Parkman; attended him on an occasion when he was sick, in 1825; I have known him ever since. There was shown me, some time since, a block of mineral teeth; it was on the Monday after Thanksgiving-day the teeth were shown to me; I recognized them to be the teeth made by me for Dr. P. in 1846; there was a great peculiarity in Dr. P.'s jaw, and the peculiar structure of it left an impression on my mind; when I made the teeth for Dr. P. he was in a great hurry for them; he said that he was going to speak at the opening of the Medical College in N. Grove street, and that there was but two days intervening before the day on which the College would be opened.

He ordered that the utmost skill that could be employed should be exercised in the construction of the teeth. He said if he could not have the teeth then, he did not want them at all. I went to work in the usual manner, to take an impression of each jaw. This was done by putting soft wax into the mouth, and pressing with a piece of metal upon it until it becomes chilled; this is then taken out, and a liquid plaster is carefully poured into the mold thus made, and the form corresponds exactly with the jaw on which the mold is made. [Here the plaster cast of Dr. Parkman's jaw was exhibited and explained by Dr. Keep.]

There were apparent fac similes of four natural and three stumps of teeth; with the cast thus obtained, an impression or mold is made in a preparation of foundry sand, and a cast corresponding with the original plaster cast is made in zinc or brass; by various other processes the teeth are formed, and the gold insertion plate affixed to them; there is a great resemblance between the piece of jaw found in the furnace of the laboratory, and the mold taken by me of Dr. P.'s jaw in 1846.

I had to work all the night before the Medical College was opened, in order to get the teeth finished; I got them done just 30 minutes before the ceremonies of opening the Medical College commenced.

[Here the City bells rang for fire, and it being announced that the Tremont House was on fire, the Court granted an intermission to allow the Attorney General, who boarded at the Tremont, to save his papers which were deposited there. At 20 minutes past 12 o'clock the Court entered, the Jury was re-summoned, and the proceedings resumed.]

Examination of Dr. Keep continued.—I had just time to finish the blocks of teeth before the

ceremonies. I ground off the lower edge of them near the gum, in order to make the jaws fit better; this operation destroyed the pink color made to imitate the gum, and somewhat marred the beauty of the work. At ten o'clock of the same night of the opening of the Medical College, in 1846, after I had retired some one came to the door and rung. I was told by the servant that it was Dr. P. He came in and said that the spring of the teeth had broken, and he wanted it repaired.

I worked on the block about half an hour. The Dr. left the house and went home. I never had any professional intercourse with him after that time. I was in New York at the time of Dr. Parkman's disappearance, and received a letter stating that his artificial teeth had been found in the furnace of Prof. Webster's laboratory. I soon afterward returned to Boston, and the teeth were brought to me, and I at once recognized them as the teeth which I had made for Dr. Parkman, and with which I had taken so much pains.

[Here the voice of Dr. Keep was frequently interrupted by sobs, and he was finally obliged to wait for some time, until his emotions would allow him to proceed.]

Dr. Keep's testimony resumed.—I was satisfied that the right upper teeth which were put into my hands by Dr. Lewis, were Dr. P's. There could be no mistake about them. Dr. Noble assisted me in their manufacture. The other parts of the artificial teeth were somewhat damaged by the action of fire. At this point the Attorney General requested Dr. Keep to stand immediately before the Jury and explain to them the points of resemblance between the mold and the blocks of teeth found in the laboratory furnace. The bench also examined the blocks of teeth and the mold with minute attention, under the explanation of Dr. Keep. The interior of the jaw-bone found in the furnace was calcined. To a juror—The last time I saw Dr. P., which was the day before his disappearance, I saw the teeth in his mouth while conversing. Question by Attorney General—Do you know anything concerning the appearance of the teeth that would indicate that the teeth were in the mouth of the head while in the fire? Ans.—Such is the nature of the mineral teeth, that while in a person's mouth they absorb a minute quantity of water in the pores of the mineral matter, and if these teeth had been thrown directly into the fire while wet, they would have been fractured into a great many pieces; the teeth which were found in the furnace indicate that they were slowly subjected to the action of the fire, and not instantly. If the teeth had been thrown into the fire without a muffler, and dry, they would have cracked.

Cross-examined—Do not know at what time after I heard of the disappearance of Dr. P. that I came to the recollection of the circumstances attending the manufacture of them; the combination of the impressions made on my mind by an examination of Dr. P's. jaws, preparatory to manufacturing the teeth, together with the view of the teeth themselves, led me to form the opinion and belief that the teeth found in the laboratory furnace were those made by me for Dr. Parkman; do not know whether I can state the events which I remember in connection with the manufacture of the teeth, in order; but I do remember that the teeth were made by me before I went to Europe. Dr. P's. name is on the plaster cast of his jaws; I put it on there at the time the jaws and teeth were manufactured.

Direct resumed—I said before the Coronor's Jury that there was part of a natural tooth adhering to one of the blocks of mineral teeth that were thrown into the fire, enclosed in the head.

Dr. Lester Noble called—I was an assistant of Dr. Keep from the 12th of October, 1838, until the last of July, 1849; I am now prosecuting my studies in Baltimore; I remember making mineral teeth for Dr. Parkman, in 1846; wrote Dr. Parkman's name on the model; the inscription on the model is, "Dr. Parkman, Oct., 1846." I recognized the teeth the moment I saw them as those made by me for Dr. Parkman, as well from the general configuration as from several peculiarities which I remembered; noticed also the defacement given them by Dr. Keep in grinding down the edges; am positive that these are the teeth made for Dr. Parkman; have as good reason to believe these teeth were made by me, as I have to believe any fact which I know; remember that they were to have been done by the day that the Medical College was opened; remember the circumstances of the opening; Gov. Everett delivered the speech; I was present, and watched to see if Dr. Parkman would speak, in order to discover how the teeth would work; he did not speak as I inferred he would; when he was complimented by Gov. Everett for his generosity, I understood that Dr. P. had given the land on which the Medical College stood to Harvard College.

Here the Court adjourned to half-past 3 o'clock.

Afternoon Session.

At half-past three o'clock the Court resumed its sitting amid much excitement and confusion among the crowd outside.

Dr. Lester Noble, recalled—I had just commenced studying dentistry with Dr. Keep at the time when Dr. P.'s teeth were made. The first operation is to take a cast, in wax, of the gums. I made the cast, or mold, in the sand, and then cast the metal mold. I have had experience concerning the action of fire on mineral teeth; never knew mineral teeth thrown into the fire without cracking. They may be heated gradually up to a great degree of heat and then cooled off, but sudden heating cracks them. I had a subsequent operation on these teeth. Dr. P. came to the office to have the teeth repaired; he had had them in his pocket and they were bent to-

gether so as to be unserviceable. I repaired them; don't remember exactly what time this was.

Dr. Jeffries Wyman called—Have been Professor of Anatomy in Harvard College. On the 2d December, 1849, an arrangement was made, that I should attend to the anatomical examination of the bones found; my attention was called, though not specially, to the fleshy portions of the remains found; the box which is now exhibited contains the fragments of bones found in the furnace, &c. The diagram which I hold is a representation of the parts found in the vault of the privy. My opinion was, on seeing the chest or thorax, that the parts had been taken out by a physician, as an ordinary post mortem examination; the manner in which the sternum was separated from the ribs seemed to corroborate this opinion; thought the separation of the thigh bones from the joints seemed to indicate a knowledge of the location of those joints; noticed that there was a great coincidence between the parts when placed in opposition; saw nothing which would not warrant the idea that the parts found were the parts of one and the same body; my anatomical knowledge extends to all parts of the human body; don't know how difficult it may be to separate the head of a person from his body with a knife; a blow or stab, inflicted between the sixth and seventh ribs, near the nipple, might cause blood to flow inwardly, except that coming from the separation of the skin; if a person were first struck in the head, and then stabbed, and the blood should flow inwardly, it would be easy to remove that blood by opening the body; it would require some care. I made a microscopic examination of some of the spots on the stair-case, near the lower landing, and was satisfied that they had not been made by blood; I saw on the walls drops of what I supposed to be nitrate of copper; first saw this on Sunday; was afterwards told by some of the physicians that they were drops of nitrate of copper; I made an experiment with nitrate of copper to see if it would destroy the globules of blood, so that they could not be detected by the microscope; found that the action of the nitrate of copper was not immediate, but in a few hours I found that the globules were destroyed, and could not be detected by microscopic examination; my opinion is, therefore, that nitrate will dislodge the globules in blood, beyond the power of microscopic action. A pair of pantaloons and slippers were brought to me from the laboratory, and were supposed to have upon them some drops or splashes of blood; I discovered that these spots were made by blood; don't know what the red substance on the slippers is; it looks like Venetian red, and is similar to what was found on the floor of the laboratory.

[Here the slippers and pantaloons were exhibited to the Jury.]

There are indications which satisfied me that the blood did not fall down upon the pantaloons; I came to this conclusion from the fact that the drops or splashes are flat, and were not in the elongated form which drops of blood would manifest when falling along a perpendicular surface. The blood drops are on the left leg of the pantaloons; the name of Dr. Webster is on the lining of the pantaloons; the paper which I now exhibit was given to me by one of the officers in the laboratory.

Am satisfied that the bones which I exhibited constitute the main portions of the right half of the lower jaw of a very old subject; the teeth are all missing; three large grinders of the right jaw are missing, and their sockets filled up, indicating a person advanced in years; there is a great resemblance between the form of the bones of the jaw when placed in opposition, and the plaster cast made by Dr. Keep; among these parts of bones I do not find any duplicate; they are all fragments of the bones of one and the same body; on each side of the jaw of a well-developed subject, there are eight teeth, viz.: two incisors, one cuspid, one bicuspid, and four molars; the three molar teeth or grinders were absent in the parts of the jaw discovered.

[Here Dr. Wyman exhibited the bones taken, with the slugs, from the furnace, to the Jury, telling what part of what bone he exhibited—illustrating his remarks by the use of the diagram shown on the next page.]

DR. WYMAN'S REPORT.

The following is Prof. Wyman's catalogue of the fragments of bones found in Dr. Webster's furnace—referred to in his testimony given to-day.

Catalogue of the fragments of bones taken from the ashes of the furnace in Dr. J. W. Webster's laboratory, at the Medical College in Grove-street, and first seen by me Dec. 2, 1849 (Sunday).

The list of fragments of bones given at the Coroner's inquest is subjoined. The present catalogue includes the parts there enumerated, as well as others which were determined subsequently to the Coroner's inquest.

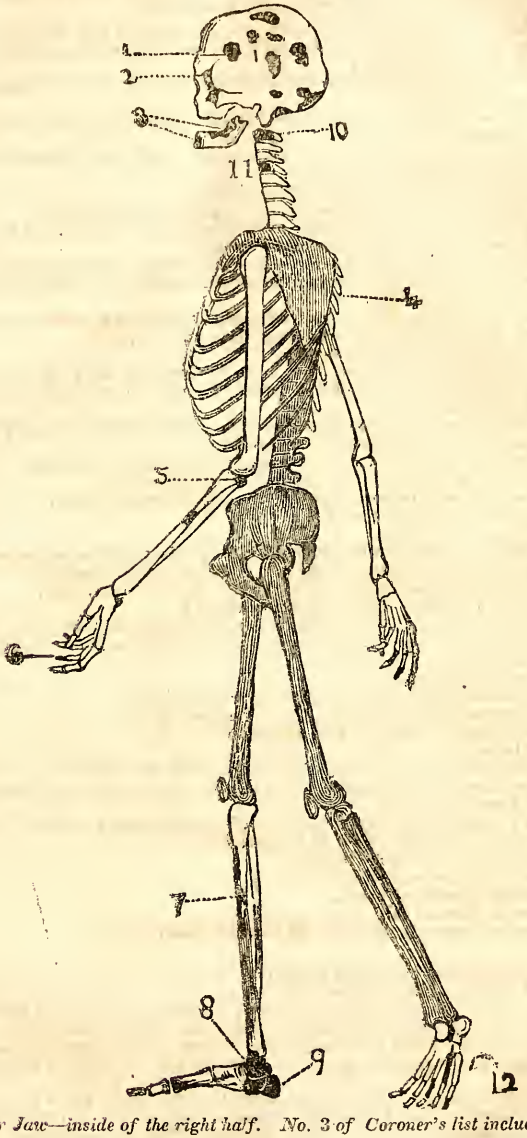
The numbers which follow the names in the Coroner's list, are those which designate the same parts in the present catalogue.

The figures on the skeleton will be found to correspond with those in the column. The *white* parts in the cut illustrate what is wanting to make a perfect skeleton; the *black* parts are those which were found in Prof. W.'s laboratory.

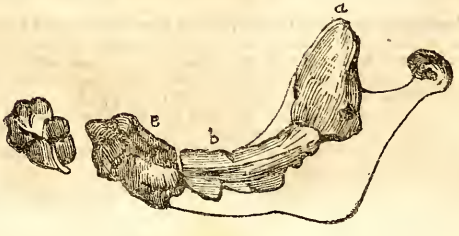
No. on Coroner's list.	*No. on new list*
1. Fragments of cranium,	7
2. Fragments of the orbit of the eye,	1
3. Two fragments of the lower jaw,	11
4. Fragments of a humerus,	14
5. Tip of the olecranon process of the Ulna,	15
6. Terminal phalanx of a finger,	19
7. Fragments of a Tibia,	21
8. Right Astragalus,	24
9. Right Os Calcis,	23
10. Fragment of the Atlas,	12
11. Cervical vertebræ (body united with the Atlas, since detached),	13
12. Phalanx of a toe,	30
13. Fragments undetermined,	35

RESTORATION OF DR. PARKMAN'S SKELETON.

Designed by Rowse from a sketch by Dr. Jefferies Wyman, and engraved by Taylor & Adams.



Fragments of the Lower Jaw—inside of the right half. No. 3 of Coroner's list includes only a and b.



EXPLANATION OF DIAGRAM ON PRECEDING PAGE.

Reëxamination: Received the fragments Jan. 24th, 1850.
Names of the bones identified, and the characters by which they were determined.
Those about which a question existed are marked as doubtful.

No. 1.—*Frontal bone.*—Outer angle of the orbit, left side—on this may be seen the outer portion of temporal ridge, part of the cavity of the orbit, supraorbital notch, part of the frontal sinus. (This is No. 2 of the Coroner's list.)
No. 2.—*Temporal bone.*—Petrous portion of the left side, internal auditory foramen, jugular fossa, carotid canal, fenestra ovalis.
No. 3.—*Temporal bone.*—Digrastic fossa of the left side, with a portion of the "additamentum" of the squamous suture.
No. 4.—*Spheroidal bone.*—Base of the great wing on the right side, foramen rotundum, foramen ovale, spheroidal sinus, midian canal, suture.
? No. 5.—*Temporal bone.*—Mastoid process, mastoid cells.
No. 6.—*Parietal bones.*—Two tables, vascular canals, glands of sacchioni.
No. 7.—Two fragments of the *Occipital bone.* *a* occipital protuberance; *b* left lateral portion, with lateral sinus. These fragments are continuous portions.
No. 7*a*.—Fragments of a cranium not determined—some of them indicate fractures previous to burning.
N. B.—A few of these were found during the second search of the ashes made at the Marshal's office. (No. 1 of the Coroner's list.)
No. 8.—*Left Molar bone.*—Edge of the orbit, edge of temporal fossa, maxillary suture.
No. 9.—*Left Upper Jaw.*—Antrum, suture fitting that of No. 8, ridge.
No. 10.—one of the condyles of the *Lower Jaw.*
No. 11.—Four fragments of the *Lower Jaw* (No. 3 Coroner's list.) *a* Coronoid process; *b* alveolar portion which succeeds to *a*—dental canal; *c* portion succeeding to *b*, with alveolus and dental canal; *d* symphysis (chin).
No. 12.—*Atlas* (No. 10 Coroner's list)—Upper and lower articulations, and arch of left side. (A piece of tarsal bone, right cuboid, adheres—see No. 25.)
No. 13.—Body of a *Cervical Vertebræ*, under surface projecting from the slag. (No. 11 Coroner's list.)
? No. 14.—Fragments of a *Humerus.* These are somewhat doubtful.
No. 15.—Tip of the *Olecranon* process of an *Ulna.* (No. 5 Coroner's list.)
? No. 16.—Fragments of a *Radius* or an *Ulna.*
No. 17.—*Scaphoides* of the left side.
No. 17*a*.—*Trapezoides.* (Side right or left doubtful.) [This was found on the second search.]
No. 18.—Second phalanx of a *finger.* (Side ?) [Found on second search.]
No. 19.—Terminal phalanx of a *finger.* (Side ?) [No. 6 of Coroner's list.]
No. 20 —Fragment of a *Radius.* [Right or left doubtful.]
No. 21.—Fragments of the *right Tibia.* Tuberosity, with spine on the right; canal for the nutritious artery and adjacent ridge; spine—articulation with fibula; lower articulating surface. (No. 7 Coroner's list.)
No. 22.—*Fibula*, central position.
No. 23.—Right *Os Calcis*, nearly entire. (No. 9 Coroner's list.)
No. 24.—Right *Astragalus*, nearly entire. (No. 8 Coroner's list.)
No. 25.—Tarsal bone, right *Cuboid.* (This adheres to No. 12.)
? No. 25*a*.—Tarsal bones.
No. 26.—Metatarsal bone of the *great toe.* The ridge of the articulating surface indicates the right.
No. 27.—*Metatarsal bones*—distal portions. One of these was found on the second search.
No. 28.—Sesamoid bone.
No. 29.—Terminal phalanx of the *little toe*—a part of middle phalanx adheres. (Second search.)
No. 30.—Middle phalanx of a toe. (No. 12 Coroner's list.)
No. 31.—Phalanx of a toe. (Second search.)
No. 32.—Fragments of fingers and toes.
No. 33.—Fragments of cylindrical bones.
No. 34.—Fragments of bones of face.
No. 35.—Fragments not determined. (No. 13 Coroner's list.)

The following were found on the second search:
Nos. 7*a*—a few fragments, 17*a*, 27, 29 and 31.

The fragments of bones enumerated in the preceding catalogue, belong to the following regions of the body, viz: Cranium, face, neck, fore-arms, hands, right leg below the knee, feet.

There are some fragments which were supposed to belong to the Humerus; they correspond with that bone as to their angles and curves, but are not of sufficient size to render it *certain* that they are parts of a humerus.

Besides the pieces of cranium in the package marked No. 8*a*, others are to be seen in the slag connected with the fragments marked Nos. 1, 3 and 21. Some of the pieces in No. 7*a* do not present the appearance of having been fractured by the process of calcination, but by mechanical violence previous to the calcination.

The fragments of the lower jaw are those of the right side and chin—and belong to a person from whom the teeth had disappeared between the cornoid process and the region of the first molar or second bicuspid. The alvesli have been absorbed and replaced by a flattened surface with a ridge on one of its borders. This would indicate that many months had elapsed since the disappearance of the molar teeth.

The bone of the leg (the Tibia) is unequivocally that of the right side.

The additional fragments enumerated in this list and not mentioned in the Coroner's list, were determined subsequently to the inquest and the examination of the Grand Jury, and were, (with the exception of such as are recorded as having been found on the *second search*, found in the package marked on the Coroner's list, "No. 13, fragments not determined."

Cross-examined—I have examined the brick taken up from the laboratory floor on the suspicion that some blood had percolated the crevices between them; did not find any blood on them; there was none on the mortar: did not examine the sand; I saw a hole between the ribs and the chest or thorax; the flesh was torn near the hole, which might have been caused by cutting the cartilage of the sternum; a drop of blood falling from the hight of three feet, and striking a vertical surface, would trickle down and would not be splashed as it is on the pantaloons; after the first 48 hours the blood would assume a dark brown hue, after which it would not change even for years; the hue of the blood on the pantaloons and slippers was somewhat obscured by being on a dark ground.

[Here a recess of ten minutes was granted to the jury.]

Resumed—The blood of a human being can be distinguished from that of some animals by microscopic examination.

Dr. Oliver Wendell Holmes called—I saw Dr. Parkman on the 23d November, 1849; am Dean of the Medical Faculty of Harvard College; Prof. W. lectures four times a week, throughout the course, and his laboratory and lecture rooms form a distinct part of the College, entirely separate from the rooms of all the other professors. Prof. W. lectures from twelve to one o'clock; myself from one to two o'clock; the separation of the parts very evidently showed some anatomical knowledge; Dr. Wyman called my attention to the manner in which the sternum was separated from the ribs.

I remarked that the sternum was cut from the ribs by some person who knew in what direction to cut; if a wound should be given in the region of the heart, protracted upwards, there would be but very little effusion of blood; if the wound was given horizontally, then there would be a considerable effusion of blood; remember the day when Dr. P. disappeared; my lectures had commenced that day; Dr. W.'s rooms are not so situated that I can hear noises in them from my room; never was disturbed in my lecture room by noises in Prof. W.'s rooms: the reason why I do not hear noises in my lecture room from the Professor's, is that when my lecture room is occupied, his is not; a part of his lecture room is under mine, but not directly under the part where I stand to lecture.

Cross-examined—Can't answer, except hypothetically, as to whether blood would flow externally, or not from a wound given in the region of the heart; I have heard applause from Dr. W.'s students in his room, while I have been in my operating-room. A mortal blow might be given on the head of a person without there being any effusion of blood.

William Eaton, Policeman, called—I was present at the Medical College at the time the thorax was taken from the tea chest. The thorax was taken out of the tea chest and laid on its back; saw that the skin was burned over on the ribs; saw the hole between the ribs, and remarked that it was about the size of the knife.

Cross-examined—I refer to the knife found in the tea chest; put my hand on the fissure between the ribs; those around said, "Don't touch the body." I brushed off the tan from the thorax with my hand; there were about five or six others in the room.

No one but myself, at the time I first saw the thorax, attempted to brush the tan off; saw the hole in the thorax when I took it up; did not know that the remains were in the tea chest until it was turned over; officer Fuller stood for some time side by side, taking out minerals; there were two layers of them; I unwrapped several species of minerals; I stayed night and day at the Medical College after Professor W.'s arrest, until the body was taken away; did not turn the body over myself, but knew that it was turned over; do not know by whom.

At this juncture the Court adjourned until 9 o'clock, A.M., Friday.

FOURTH DAY.

At nine o'clock the prisoner who had been placed in the dock a few minutes before, was taken, in custody of his official attendant, Ed. J. Jones, to one of the ante-rooms in the Court-house, to consult with Judge Merrick, senior counsel for the defense. He entered at ten minutes past nine o'clock, and was shortly after followed by the Court. The names of the jury were next called, and the proceedings commenced.

Ephraim Littlefield called—I have no middle name; my connection with the Medical College is that of Janitor; have charge of the whole building; make fires in the rooms, and have been Janitor seven years; since last October had charge of the College in Mason street; have known Professor Webster since I first acted as Janitor; knew Dr. Parkman; was present at an interview between Dr. P. and Prof. W., on Monday, November 19th, towards evening; we were in his (W.'s) private room; I stood near the stove, stirring some water with salt; there were three candles burning at the time.

The Professor was reading a chemical book, as I suppose, at the time, while I was stirring the water. I didn't hear any footsteps, but on looking up suddenly I saw Dr. P. in the room. I observed that Prof. W. was surprised to see him appear so suddenly. Dr. P. said, as I thought, "Prof. W., are you ready to meet this to-night?" The Dr. afterwards said something about Dr. Webster's having sold something to some person which he, Webster, had before sold to him, Parkman. Prof. W. said, "I do not remember that it is so—I had forgotten it."

Dr. P. showed W. some papers, and then went toward the door, and raising his hand said:

"Professor Webster, something must be accomplished to-morrow." Dr. Parkman left the room and I have not seen him since; the following day about one o'clock, as I was standing outside the Medical College, Professor Webster came to the door, and asked if I was busy; if not he wanted me to carry a note to Dr. Parkman, and said if I could not he should have to carry it himself; I took the note and gave it to my boy, John Baxter; I told him to take the note to Dr. Parkman as soon as he could; Dr. Parkman was at the College on the forenoon of the same day of the interview in the evening alluded to above; Professor Webster asked me if the vault used to put the remains of subjects for dissection in was repaired, and that the faculty had said something about having a new one made.

He asked me how the vault was built under his coal bin between his laboratory and the dissecting-room; told him there was a leak in the coal bin that let the scent all over the building, and that the vault had been all filled up with dirt; he asked how I got down to it; told him that I had taken up the brick floor, and then cut up the wooden floor beneath.

He asked me if that was all the vault in the building; he asked me if he could get a light into that vault; told him no; he asked me if I were sure; I replied that I was, for I had already endeavored to get a light into the vault a day or two days before; he said he wanted to get some of the gas out of it.

To the Court—The foul air would put a light out. Dr. Ainsworth had given me a skeleton to put into the vault a little while before to macerate. I attempted to put a light down there to find it, but the foul air put out the lamp. He told me he wanted to get some gas out of there to try an experiment. I said to him, "How will you get it out afterwards"—said it would be a good time then, for the tide was up, and was pressing the gas up

He said he had an apparatus to do it with, and said when he wanted the gas he would let me know. That was the last I ever heard of it. On Thursday Prof. W. said he wanted me to get him some blood for his lectures. Took a glass vial, holding about a quart, from one of the shelves, and asked him if that would do to get it in. He replied, "Yes, get it full if you can, from the Massachusetts Hospital."

I saw a student who attended in the apothecary shop in the Hospital, and told him that there was a glass jar Dr. W. wanted some blood in it; he replied, "I think likely we shall bleed some one to-morrow morning, and I'll save the blood; on Friday morning I went over to the hospital and saw the student; said that he hadn't bled any body, and so couldn't get any blood; I went to Prof. W.'s room about 11½ o'clock, and told him I could not get any blood; he said he was sorry; don't recollect that anything further was said about it; don't recollect any further interview on that day; in the morning (Friday) after I had made the fire in his back room, I took a brush and swept the floor, and threw the dirt into the fire; went to put the brush behind the door of the laboratory, and there I saw a sledge hammer; had seen the sledge in the lower rooms, but never up there before; the haudle was about two feet long, and of white oak; should think that it would weigh six or seven pounds.

To the Court—The sledge was about as large round on the face of it as an ordinary orange cut in two; never saw the sledge anywhere but in the lower room before; I took it down stairs into the laboratory and set it up against the large vault where he makes gases.

[Here the plan of the laboratory was exhibited, and the position of the vault shown to the Court and Jury.]

Have never seen the sledge since; at about 2 o'clock I was standing in the front entry looking out of the front door; I thought when I testified before the Coroner's Jury that it was about half-past one o'clock, but I think now I was mistaken; I saw Dr. P. coming down Grove street very fast,—he was opposite Fruit street; I laid down on the settee nearest the furnace, or register and the door, waiting for Dr. Holmes' lectures to finish; didn't hear any one go into or come out of Prof. W.'s rooms; laid on the settee until a few minutes before 2 o'clock, and then went up stairs; always wait at the door of the lecture-room until the lecture is out. I went down stairs and shut the front door just after Dr. Holmes went out. Afterwards went down stairs, cleared out the furnaces, and left the materials for building the next morning's fire, then went up stairs into Prof. Webster's back room, and cleaned out the stove; I then went to the medical lecture-room, and cleaned the furnace out there. [Here the wooden model was exhibited, and Littlefield pointed out the position of the settee on which he had laid.] I then went down to Prof. W.'s Laboratory to clean up there; went to the door of the Laboratory, under the privy stair-way leading to the private room; this was the door under the Laboratory stair-case; found that the doors were bolted on the inside; I then went round to the other door of the Laboratory, on the same floor, and found that locked or bolted. [Here the model was again brought into requisition.] Thought I heard them in there walking, and the Cochituate water running.

I then went up stairs to the door that leads into the lecture-room, in the front entry, put the key into the lock to unlock it. I found that it was unlocked and bolted on the inside. I afterwards went down stairs into my kitchen and laid down. About 4 o'clock, a lady who was from Medford, and staying at my house, came into the bed-room, and said a gentleman wanted to see me; went to the door and found that it was Mr. Petty.

He had come to fill out a ticket for a student named Ridgeway who was going away; we filled out for him all but one for Prof. W.'s lectures; that I gave him myself; I had some of Prof. W.'s lecture tickets after Petty went away; he staid about 15 minutes.

I again went to the door of the Laboratory; found the doors all fastened as at first; I went then to fix his fires and clean the room up; he (Prof. W.) used to leave on his tables the glasses and vessels used in his lectures, and always requested me to clean them up.

At about half-past 5 o'clock, as I was in my kitchen, I heard some one coming down the stairs of the back entry.

[Here the position of the stairs referred to was exhibited in the model.]

The person was Professor W.; he sat the candle down.

To the Court—He had a candlestick in his hand, and a candle burning; he put the candle down on the settee, and went out the east entry; didn't hear any more of Prof. W. that night; I went to a party after that, where I remained till half-past 9 o'clock; got home about 10 o'clock; I went to Mr. Grant's; when I got home, I went to the kitchen, took off my coat, and went to lock up the building; went to the Laboratory stairs' door, and I found that it was fast.

To the Court.—I mean the one that leads from my cellar; next went to the dissecting rooms to lock up them, and tried the door of the store room; unlocked the dissecting room door, but saw no one there; the students, sometimes, dissect till 9, 10, or 11 P. M.; I bolted the outside door, and shortly after went to bed; never knew the doors of Professor W.'s laboratory to have been locked before at night; on Saturday, the next day, I made fires in all the rooms of the Professors, excepting Prof. W.'s; went next to the dissecting room, and found that it was unlocked; it was near 7 o'clock, A. M.; I thought at the time I had fastened some student in the night before; nobody had a key to the outer door, to my knowledge, excepting Doctor Leigh, librarian; on Saturday I went to Professor Webster's lecture room to make a fire; passed down through the lecture room and to the door between the lecture room and his private rooms; never had any keys to that door; he had two locks to his door, to lock up his room during the summer vacation; left the door and went down to my part; pretty soon after that Prof. Webster came into the College through my entry; think he had a small bundle under his arm; he turned to go up the stairs that he had come down in the night; I followed him up; he took the key of his lecture-room door and went in; I followed him in; he took out his keys and unlocked the door of his room; he said to me, "Mr. Littlefield, make me up a fire;" I made it in the stove; asked him if he wanted anything else done; he said he did not; then started to go down stairs through the laboratory; he stopped me, and told me to go out the other way; I turned round and went out; don't think I was in the laboratory again that day; I saw Prof. W. once more after that, about 11 A. M.; met him in the lower entry, coming into the college; he had a bundle wrapped in a newspaper under his arm; I paid Prof. Webster $15, in half-eagles, the amount received from the student Ridgeway; don't recollect anything further that took place that day; Prof. W. went up to his room to work.

Saturday is my sweeping day; I couldn't get into his rooms any more than I could on Friday; generally swept his lecture-room once in two or three weeks; tried the doors several times that day; I heard him in his room; I mean I heard some one in his rooms; don't remember of seeing the Professor again that day; I heard some one walking in Prof. W.'s room and could hear the water running all the time; it was not in the habit of running so; didn't see Prof. W. in the college all day. the next Sunday or Sunday night; I was in North Grove street, facing Fruit street, with a Mr. Calhoun; we were talking about the mysterious disappearance of Dr. P.; Mr. Kingsley had told me of it on Saturday afternoon; Mr. Calhoun exclaimed: "There is one of our professors now;" I looked up and saw Professor W. coming toward us; he came from Bridge into Fruit street; he came directly to me and said: "Did you see Dr. Parkman during the latter part of last week?" I told him I had: he asked me what time I had seen him; I replied, "last Friday about half past one o'clock;" he asked, "where did you see him?" I said, "about this spot;" he asked which way he was going; I said, "right toward the College;" he asked, "where were you standing that you saw him?" I answered, "in the front entry near the door;" he struck his cane on the ground and said, "that is the very time I paid him $483 and 60 odd cents;" don't recollect the cents precisely; Prof. W. didn't say "sixty odd" cents; I told Webster I didn't see him (W.) go into the Lecture room or the Laboratory; he said he had counted the money down to Dr. P. on the table in his lecture room; he said Dr. P. had grabbed the money up without counting it, and ran up the steps from the Lecture room as fast as he could, two steps at a time; he said Dr. P. told him he would go over to Cambridge and discharge a mortgage; Dr. W. said, "I suppose he did, but I haven't been over to see;" he (W.) said he had come to see about it; I heard him say that he had been to Francis Parkman's to see about it; when Dr. Webster talks with me generally he holds his head up and looks me in the face; this time he looked down all the time, and seemed to be agitated; never saw him look so before; he looked pale; cannot say which way he went when he left me; think he went to North Grove street, towards Cambridge street; on Monday I could not get to his rooms to make the fires; tried the doors twice; I afterwards went into my kitchen, and my wife came in and told me that Dr. Samuel Parkman wanted to see me, and had just gone up to see Prof. W.; I asked how he, W., could have got down stairs when all the doors were locked; he said that one of the cellar doors was open; I went up into Prof. Webster's lecture room, and saw Webster and Dr. Samuel Parkman; Prof. Webster stood in the door of the lecture room, and Dr. Parkman stood near him; they were talking about Dr. George Parkman; they said something about money, and Prof. Webster said that he seemed very angry; shortly afterward my door bell rung, and on going to it, I found there a gentleman in specs; did not know him at the time; it was Dr. Parkman Blake; he wanted to see Prof. Webster, and requested me to carry his name to the Professor; I went to the door of his lecture room, and tried it, but could not get in; I then went round to the other door of the room, and found Prof. Webster; I told him that Dr. Blake was at the door and wanted to see him; he seemed to hesitate, but finally said, "let him in;" this was about — o'clock in the morning.

I then went up stairs to the laboratory door and tried it again between 10 and 11 o'clock, and found the doors locked; just after, one of the door bells rung, and I went down stairs, and found Mr. Kingsley and officer Starkweather and another; Kingsley said, "we want to look around this College, for we can't trace the Dr. anywhere but here;" just then, Dr. Holmes came up and said, "You don't want to haul all our subjects out of the chest, do you?" Kingsley said, "No, we want to look about the attics, &c.; then Dr. Holmes told me to take them up and show them all round; I went up to the lecture room of Dr. W. and gave two or three loud raps on the door; the Professor came to the door, and merely put his head out; I told him what the officer's business was; we passed in and through the lower laboratory, and then down into my cellar; the Dr. did not say anything, to my recollection, on that day; don't recollect whether he followed us down stairs or not.

The officers, Mr. Kingsley and myself, went all round over the building; don't recollect whether the officers went through my apartments or not; I heard the Professor in his rooms: afterwards, went up to the Laboratory and tried his doors, but found them locked; on Tuesday morning I went and tried all the doors of Professor W.'s rooms, in order to get in and make the fires, but couldn't get further than the Lecture room; afterwards went into the Lecture room, and found Professor Webster there; he had overalls on; I went round to his back room and saw that he had a fire in the stove; he went round the table toward the back room; I asked him if he wanted a fire made in his furnace; he replied, "No—the things connected with my lectures won't stand heat."

[Here the Jury had leave to retire for a few minutes.]

After an intermission of fifteen minutes, the Court returned.

Continuation of the examination of Littlefield.—I left his room and went out the way he came in—by the front entry; a short time after that, while standing in the wood-shed, I saw Mr. Kingsley and officers Clapp, Rice and Fuller, coming toward me; they came into the shed and said "We are going to search every foot of land in the College and neighborhood," and they should begin at the College, for if the College was searched first, the people in the neighborhood wouldn't have any objection to their own houses being searched; I said I would show them over any part of the building to which I had access; at that moment Bigelow came forward, and I told him what the officers wanted; he ordered me to show them all over the building; one of the officers then said, "Let us go to Prof. W.'s room; we went up and found his door was locked; went round the other way, and we found the door there locked; I rapped first with my knuckles, and next with my open hand, very loudly, and Prof. W. came to the door; I told him what the officers wanted, and we passed in; do not recollect hearing Professor Webster say anything; officer Clapp went toward the small room in the Laboratory and tried to open the door, but Professor Webster said, "that is the place where I keep my valuable and dangerous articles," we then all went down into the lower laboratory, and the officers went toward the privy; I thought the Prof. tried to turn their attention from that part of the room as he opened another door and called their attention in another direction; the officers said they wanted to search the dissecting vault; they wanted to lower a light into it; I told them there was nothing in there, but what I had put in there myself; that no one but myself had access there, and that it was kept locked, and the keys were in my possession; they wanted to lower a light down into the vault, but I told them it wouldn't burn in the vault; the width of the receptacle for the dissecting room refuse is about two feet; it is about two feet above the floor; they were satisfied and did not attempt to look there; we next got a light from my kitchen; Clapp, Fuller, and myself descended through the trap door, leading down to the foundation wall; Mr. Fuller wanted to go to the back side of the building, and had to go on one hand and knee.

The officers wanted to get into the vault of the privy of Professor Webster's laboratory; I told them that they could not do it without cutting through the wall; they then came up through the trap-door, searched all my rooms, and then went off; about 4 o'clock that afternoon, Professor W. came to the College and went to his room; I heard him unlock the door of his room, as I was standing in the entry; I heard him unbolt the door of his lower laboratory, and started to go into the kitchen, when his bell rung; I said to my wife, "I guess Professor Webster has got his doors open now, so that I can go into his room;" I went up and found him standing at a table in his laboratory, with a newspaper in his hand, reading; he asked me if I had purchased a Thanksgiving turkey; I told him I had not, and as I intended to spend the day out, I did not think of getting one; he asked me if I knew where Mr. Foster, near the Howard Athenæum, kept; I said yes; he then gave me an order on Mr. F. and said, "Take this to Mr. F. and get a nice turkey, as I make a practise of giving away several at this time, and besides I want you to do some more jobs for me shortly;" he then gave me another order on Mr. Foster to send him some sweet potatoes; I carried the order to Mr. Foster, and picked out a turkey, and gave him the order for the sweet potatoes.

He never gave me a present before this time, even to the value of a cent; came back home, and some time after heard him coming down the stairs; I started out to go to the Odd Fellows' Lodge; he saw me and asked me where I was going, I said to my Lodge; he then asked, "are you a Freemason?" I replied, "I am part of one;" we walked up Grove street together, and he turned toward Chamber street: next morning (Wednesday,) Prof. Webster came to the College pretty early, and went to his room; I went up to the laboratory door and heard him moving things about the room; I listened at the door and tried to peep through the key-hole, but could not see through the key-hole on account of the spring being down; I looked around and saw my wife looking at me from below; I afterwards tried to cut through the joints of the partition walls,

but thinking that Prof. Webster heard me, I desisted from my work, and afterwards laid down on the floor near the door, and looked through the crevice between the door and the floor; presently I saw Prof. Webster come along with a coal-hod in his hand; I could see as high as his knees; he went to a coal bin, which is in the laboratory, near the privy, and which contains coal and bark, which had been put in before the lectures commenced; I heard him moving things about the room; I laid in this position about five minutes and then went back to my wife.

About three o'clock I went up through the laboratory entry, and discovered that the right hand walls, along the stairs, were very hot; I knew that the heat proceeded from a furnace, where I never made a fire; could not bear my hands on the walls but a short time; was afraid that the building would take fire, and went to the store-room to get my keys; tried several of the doors, and found them locked; then went to the lecture-room, to see if I could get into the laboratory, but the doors were all locked; I finally got into one of the laboratories, where the small furnace—not the furnace which heated the walls—was, and going to that, found that there was some fire in it; the rim of the furnace was covered over with minerals and stone pots; I then went and got into the lower laboratory, through the window, and on looking into the hogsheads, found that the water which had filled them previously, had been taken out; there was a copper spout leading from the hogsheads to the sink; I looked into the barrels used to contain pitch-pine kindlings, and it looked as though about two-thirds had been taken out; I went up the stairway to the upper laboratory and there I saw spots of a peculiar appearance, not like anything I had ever seen before; I tasted of the material and thought it was acid; in going into his back private room I noticed the same peculiar spots on the floor of that room; the Cochituate water was still running; what made this appear unusual was that, when some time before I had left the water running he had stopped it and said, he didn't like to have it running; I had noticed in the entry, a box of grape vines and a bag of tan, and they laid in the entry some time; I tried several times to put them into Prof. W.'s room, but the doors were fastened and I could not do it: my wife told me to put them down cellar; I received the order for the turkey on Wednesday, not Thursday, as stated before the Coroner's Jury; I made the mistake and told one of the Jury of it in the afternoon on which I had the order for the turkey given me; Prof. W. sent me to buy for him a piece of lime about as big as my head.

Here the Court adjourned until three and a half o'clock P. M.

Afternoon Session.

The Court came in at twenty minutes before four o'clock.

Ephraim Littlefield recalled.—On Thanksgiving day I put the box of grape-vines, and bag of them, in the cellar, in the forenoon; I actually made the attempt to put them in the Professor's room on that day, in the afternoon; about three o'clock I began to work at the wall, under the vault; I wanted to satisfy myself as to there being anything under the vault, for I could not go out of the College without somebody saying to me that Dr. P. was in the Medical College—that he would be found there if he was ever found anywhere; all the rest of the building had been searched except that part of it; that I knew had not been searched, because I had the key of it; I went down the front scuttle, lifted up the trap-door, went to the back side of the wall, where officer Fuller and myself had been the Tuesday before, and began to work; I had there a hammer and a morticing chisel; I worked some time—got out two courses of brick—but as I could not do more with those tools, I gave up work about 4 P. M.; that night I went to the Thanksgiving Ball of the Shakspeare Division of the Sons of Temperance, at Cochituate Hall; next morning I got up about nine o'clock, and, as I sat at breakfast, Dr. W. came into the kitchen and took up a paper and appeared to be reading it.

He said, "Is there any more news?" I said there was none. He said that he had been in Mr. Henchman's apothecary shop, and Mr. H. had told him that a woman had seen a large bundle put into a cab; she remembered the number of the cab, and the cab was found, and discovered to be all covered with blood; I replied that there were so many stories about Dr. P., that we could not tell what to believe; Prof. W. then went up stairs; some time after this I was overseeing the arrangement of some busts which I had employed some men to bring for Dr. Warren's museum; Dr. Bigelow was present; I told Dr. Henry J. Bigelow that I had commenced digging through the wall; I understood him to say, "Go a-head with it;" I told Dr. B. all about Prof. W. keeping his doors locked. [This last was ruled out as incompetent.] I went into the demonstration room, and there I found Dr. J. S. Jackson alone; I told him I was digging through the wall; he got up and came toward me; said he, "Littlefield, I feel dreadfully about this matter, and do you go through that wall before you sleep;" he asked me what I should do if I found anything there; I told him I should go to Dr. Holmes; he said, "don't you go there, but go to old Dr. Bigelow, in Summer street, and then come and tell me; write your name on my slate, and I shall understand it;" I did so.

Attorney General—"Oh, well, we will come to that presently."

I then went to Leonard Fuller, and asked him to lend me a crow-bar. He asked me what I wanted to do with it. I told him I wanted to dig a hole in a brick wall, to carry a lead pipe through the hole for water. He then replied, "I guess you do." I then went to the house, and locked all the outside doors, and left the keys on the inside, so that no one, not even Prof. Webster, could get in; let down the latch of the front door; then told my wife to keep watch, and see if anybody came, for I was going to work at the wall; told her, if she saw Prof. W. come, to give four raps with a hammer on the kitchen floor, so that I could hear it before she let him in;

but if the other Professors came, to let them in, but not to disturb me; then I got a pair of gloves and went to work at the wall; did not make much progress, and finally came up and went over to Fuller, and asked for a cold-chisel; he gave me just such a one as I wanted; went back to work, and got along for a short time very fast, but presently heard four raps above; I ran up, and my wife said, "I saw two gentlemen pass, and thought one of them was Dr. Webster, but they were only Mr. Kingsley and officer Starkweather; they came to the door and inquired for you."

I went out, and Mr. Kingsley asked me what private place there was in the College that had not been searched. I told him, and he said, "Let me go into his (Webster's) room." I replied, those rooms were all locked up, and we could not get into them. They then went away; do not know which way; I saw officer Trenholme standing in the street, and told him that in half an hour, or twenty minutes, I would give him the result of my labors, and I then went into the house, and my wife said, "You've just saved your bacon coming up, for Dr. Webster has just now come in."

[Objected to by the defense, as incompetent.]

I didn't go to work again immediately; didn't see Prof. W. go in, but saw him come out; he came out of the shed, and spoke to me and Mr. Trenholme; said that an Irishman on the other side of Cambridge Bridge offered a $20 bill to pay his toll of one cent; he said they had kept the bill, and the City Marshal had asked him if he had offered that bill; he (the Irishman) had replied that he could not swear to it; Webster then went off; I returned to my work at the wall, and using the crowbar, got a hole clear through in five minutes.

[To the Court.]—I had got a small hole punched through before I came up; when my wife knocked, there was such a strong draft that I like to have lost my light, but I shaded it with my hand, and put my head and light through at the same time, and the draft stopped; the first thing I saw was the pelvis of a man, and the two parts of a leg; the water was running down from the sink, and I knew that was no place for those parts to be; I went up stairs and told my wife to go for Dr. Bigelow, and to fasten the cellar so that no one could go down; my wife spoke to me first when I came up.

Question by Attorney General—What was your own condition when you came up out of the cellar?

Objected to by the defense—but was sustained by the Bench.

Answer—I was very much affected; I locked the cellar door, and went down to Dr. Bigelow's; the old gentleman's girl came to the door; I asked for Dr. B.; he was not at home, and Mrs. Bigelow came to the door; I told her I must find Dr. Bigelow; she asked, "What was the matter with me?" calling me by name; I then ran down to young Dr. Bigelow's, Chauncey place, and told him what I had discovered; we then went together to R. G. Shaw's, Jr.; the City Marshal shortly came in, and I told him what I had found; he told me to run right down to the College, and he would follow on directly; I went to the College, and arrived there before the rest of them; I found Mr. Trenholme at my house; he (Trenholme) told me that he had been down to the cellar; the City Marshal came in about ten minutes afterwards; did not hear the City Marshal's testimony; the hole was near the north corner of the wall; we could stand up straight near the wall; the ground slanted from the hole of the privy down to the sea wall.

[Here the plan of the building was shown to the Jury, and the nature of the ground plan was illustrated.]

I here examined the foundation of the walls next the privy, and I do not think any solid substances could have floated into the vault; there is cement piled up all round; the tide flows into the privy every day; the vault where the offal from the dissecting room is thrown, was tight, until about two years since, and for that space of time the tide flowed in and out; but there is not sufficient space for anything solid to float out; I was in the vault with Mr Trenholme, when we heard the steps overhead; I have since found out that the noise was made by my wife and children running from the cellar overhead; Marshall Tukey ran up to get his revolver; we then went up to the Laboratory, and found the bones in the furnace; Officer Trenholme was left in charge of the College until after the arrest of Professor W.; sometime afterwards, Officer Spurr came to my door, and said they had Professor W. out there, and that he was very faint; I opened the door and let them in; Professor W. came in between two men, who seemed to support him entirely; Webster said to me: "Littlefield, they have arrested me, and taken me away from my family without allowing me to say good bye;" he was much agitated, and sweat much; I thought he trembled some; we went to the lecture-room, and we went to the laboratory; the doors were locked, and we asked Professor W. for the keys; he said they had taken him away so suddenly that he didn't have time to get his keys; the officers broke down the door; we got in the lower laboratory through the cellar door, the way I always did; Prof. W. had left that open; when we got into his private room we asked where the key of the little room was; he (W.) made the same answer that he did before; the officers asked where the privy key was; Webster said to me: "You know where the key is;" I told him that I did not; then he said: "there it hangs on the shelves."

We took down the key, but found that it would not fit the door; the door of the little room was broken open; I looked for a hatchet which used to be in the room, to break the door open: it was a shingling hatchet; I could not find the hatchet at first, and asked Prof. W. where it was; he replied, "In the sink;" I went down and found it there; returned, broke open the door of the little room; we next broke open the privy door, and then went into the laboratory, and while there, he asked for some water; I got him a glass, and he took hold of it, but could

not drink; he tried to bring it to his mouth, but when he raised it, he began to snap at it like a mad dog; one of the officers told me to let him have the water; I gave it to him; the officer took it and gave him some to drink, but it appeared to choke him very badly; we went to the furnace, uncovered it and took out some of the minerals; Mr. Andrews was there at the time, and I think Mr. Parker also; Coroner Pratt said, "Let everything be;" after that we went down to the privy, and brought up the remains, and put them on a board; Professor W. was also brought in, and the rest who were about came in; I heard somebody ask Dr. Gay if those were parts of a human body; he replied that he thought they were; Professor W. was very much agitated, and perspired a great deal; I thought I saw tears running down his cheeks at the time; Officer Spurr or Baker was left in charge of the Medical College after Professor W. went away; have seen the slippers, now exhibited, at the College; there was blood on one of the slippers when I saw them last; never saw the saw now exhibited before the Saturday after the discovery of the remains; I have seen the knife exhibited, before; Doctor Webster showed it to me himself, the Monday before the disappearance of Dr. Parkman; this was a bowie knife which was found; Dr. W. said, when he showed me the knife, "Littlefield, see what a fine knife I have got." I looked at it, and he said, "I got it to cut corks with." I answered, "Well, I should think it was just what you want."

The professor used to wear a pair of blue cotton overalls and an old coat, to work in; have not seen those overalls since his arrest; the last time I saw them was when he had them on at the time the officers called to search the house on Monday or Tuesday; the Professor used to have a key to the dissecting-room, and those to his own apartment; didn't know whether he had any others; there was a bunch of skeleton keys found in the back private room.

There was some objection raised by the defense against the introduction of this bunch of keys in evidence.

I know that some towels were found in the privy vault; one diaper-roller and two crash towels were found; there were marks on the towels; knew the roller, but didn't remember having seen the others before; don't know whether the roller was marked; never knew any parts of a human body of any consequence, to be used by Professor Webster.

He has sometimes asked me to get him small pieces of flesh to try experiments upon; have seen him explode bladders of gas in his lecture room, and these make considerable noise; have heard noise in his lecture room when he was experimenting with this gas or with the galvanic battery.

Here the discolored and torn towels found on the remains were exhibited, and the prosecuting officer remarked that the spots were caused by acid, and not blood, as had been supposed.

At this period, the Government rested the examination of Littlefield, and the defense commenced their cross-examination; when his Honor, Chief Justice Shaw, adjourned the Court until the next day, at 9 o'clock, A. M.

FIFTH DAY.

CROSS-EXAMINATION OF MR. LITTLEFIELD.

At the opening of the Court on Saturday, Ephraim Littlefield was called to the stand, and his cross-examination was taken up by Mr. Sohier, on the part of the defense.

Mr. Sohier. You stated, Mr. Littlefield, in your direct examination on yesterday, that on Monday, the 19th November, you saw Dr. Parkman with Dr. W. at his rooms in the college; I want to know about what time? A. I can't tell the hour—it was dark, and they had lights.

Q. In which room did you see them? A. In the laboratory—I mean in the back one.

Q. In what position did you see Dr. W.? A. He was standing by the stove.

Q. You saw Dr. P. come in? A. I did. I can't say if he saw me.

Q. Did you hear anything pass between them? A. I did; when Dr. Parkman came in, I heard him say to Dr. W., "Dr. Webster, are you ready for me to-night?" "No," said Dr. Webster. He then put his hands in his pockets for some paper, which he took out, and accused Dr. W. of selling something which he said he had sold before.

Q. Well, what else? A. Dr. P. then raised his hand.

Q. You say that Dr. P. raised his hand—when did he do so, and how? A. When he went out; he was near the door at the time; he stood at the door and made a motion with his hand; he then turned round and said to Dr. W., "something must be done to-morrow."

Q. Was he excited? A. Yes.

Q. How long did you remain there that evening? A. I remained there about an hour.

Q. You say it was on Friday, the 23d, that you took up the broom to sweep the ashes from the stove: now from what place did you take the broom? A. I took it from behind the door. It was sometimes left behind the door, and sometimes in the lecture-room.

Q. Did you not have a particular place for it? A. No, it was left everywhere. (Laughter.)

Q. You say you saw a sledge in one of the rooms there. A. Yes, it was a sledge that was left there last summer, by some workmen that were working for Dr. Webster.

Q. Was it a sledge such as people use for any particular kind of business? A. It was such a kind of one as is used for breaking up stones.

Q. On what particular kind of work was it used or brought there? A. It was used by workmen who were engaged in building up a flue at the time for Dr. Webster, or in opening a flue for the Doctor, last summer.

Q. How long, after the building of the flue, was it when you first saw the sledge? A. I can't say; it

may be one, or two, or three weeks.
Q. You stated that two faces of the sledge were rounded? A. Yes.
Q. One end was shorter than the other? A. Yes.
Q. Did you ever use it? A. No.
Q. Was there any other sledge there? A. Yes, there was a small one that had but one face, and weighed about two or three pounds; that was in the laboratory.
Mr. Bemis. Tell me, was not that what they call a geologist's hammer?
Witness. I don't know what they call it. (Loud laughter.)
Mr. Sohier. What time did you dine that day? A. One o'clock.
Q. What time do you usually dine? A. At one o'clock. I always dine at one o'clock.
Q. You say that on this particular day you were detained out longer than usual? A. Yes; I had tickets to settle about that day—that day was appointed to examine the tickets; I had to examine them with Dr. Holmes.
Q. How long did it take? A. About fifteen minutes after the class came up and stood at Dr. Holmes's door; the class came up and went in—they made a considerable rush.
Q. You say that it took fifteen minutes? A. I think it did, because I always stop behind.
Q. Was the door shut? A. The door is always shut; there is a spring to it.
Q. Do you know how long you remained there at that time? A. To about ten minutes of two o'clock.
Q. Did you go to sleep when you were in the room? A. No; I sat down upon the settee.
Q. You stated in your direct examination that it was in the afternoon of Friday, that you think you heard somebody walking in the laboratory, are you certain of this? A. The sound came from it; I took it for the laboratory; I thought the sound was from there.
Q. What were you listening there for? A. What was I listening for? I can't say; I believe I was waiting for water.
Q. How long did you listen? A. I can't say.
Q. Which way did you go back? A. I went back in the kitchen.
Q. You stated in your direct examination, that when Dr. W. went down to the kitchen you saw him—did he say anything? A. No, sir; he didn't say a word.
Q. You say you went to a party that night; what time did you get home? A. I went about six o'clock and came back early.
Q. What time did you return? A. I called at the Albion House at my return.
Q. Before you went to the party did you try the doors? A. Yes; to try if they were secure; I always do so; it sometimes takes me half an hour to do them up, and sometimes more.
Q. After you got back from the party you locked the second room door? A. No; it shut itself.
Q. Did you put out the light? A. Yes.
Q. Were there any persons there at the time? A. No; I saw no one and heard no one.
Q. Did you try Dr. W.'s door? A. No, I did not.
Q. How often did you try it that day? A. I tried it after Dr. Holmes's lecture.
Q. I am speaking now of the evening of the party. A. I tried all the doors excepting his lecture-room up-stairs.
Q. How many doors led to that lecture-room? A. There are two doors; one of them I never saw open.
Q. Is there not a slide in the door? A. No, sir, there is not.
Q. The panels open, don't they? A. They have buttons on the inside.
Q. Do they ever open? A. I have seen some washpans through them.
Q. Where were you on Thursday night previous to Dr. P.'s departure; what time were you home? A. I was home at 1 o'clock.
Q. Were you there that night? A. I can't say.
Q. What time did you go out to the ball? A. I went there and remained until 12½ o'clock.
Q. On the last occasion until after you left home that last night, on the 23d November, and after you left the room, were you there? A. I don't know as I was.
Q. Have you not made use of the dissecting-room on that night to play cards? A. I decline answering that question. (Roars of laughter.)
Q. Had you not been there gambling? A. I decline answering that question. (Renewed laughter.)
Q. Do you know that the Docter found out you were gambling? A. I don't know; he never said anything to me about it.
Q. When examining on Friday, the 30th, was the water running all the time? A. No sir.
Q. How were the pipes kept from freezing? A. The water was left running.
Q. During the day, was there any object in leaving the water running? A. We used it all to keep the pipes from freezing, and for that purpose.
Q. Upon the Friday you used to draw the pipes? A. Yes.
Q. How long did you see to the pipes? A. I don't know.
Q. This was previous to the arrest? A. Yes.
Q. You stated in your direct examination that you had changed your testimony in some respects. I wish you now to state in what particular? A. I changed it after the coroner's inquest, and certified it before the grand jury.
Court. In what respect?
Witness. In regard to when I was asked about the turkey, as to whether I received it on Tuesday or Wednesday?
Mr. Sohier. How did you state it before the coroner's jury?
Witness. I said it was on Wednesday.
Q. Did you say before the coroner's inquest, that he gave you the turkey before or after the search? A. I said it was on Wednesday.
Q. What I now ask you is simply this: and you may answer me if you please: did you say before the coroner's inquest that it was before or after the search, or before 4 o'clock? A. I said it was before 4 o'clock.
Q. Now answer my questions which I shall put to you: did you say before the coroner's inquest that it was before or after the search this turkey was given to you?
Court. You said that the examination was made in the same day; was that on Wednesday instead of Tuesday?

Mr. Sohier. No, your Honor; he now states that it was made on Tuesday instead of Wednesday.

Court. He says now, if we understand him right, that he can't tell exactly when.

Mr. Sohier. Mr. Littlefield; do you mean to say now that you stated before the coroner's inquest that you did not know whether it was before or after the search that the turkey was given to you? A. I can't say.

Attorney General. I don't think it will appear that it was after.

Court. Witness, you don't think you say that this turkey was given on Tuesday. Witness. I don't think it was. I say it was on Tuesday that Dr. W. gave me the order for the turkey.

Mr. Sohier. Did you not say before the coroner's jury that after you got through the examination, Dr. W. came to you and followed you down stairs after the examination, and offered you the turkey? Ans. I presume I did, because I wrote it down.

Q. Did you write it down after or before the coroner's inquest? Ans. I wrote down the heads of it. I did not write down half what I testified to yesterday.

Q. You said before the coroner's inquest it was Wednesday instead of Tuesday? A. That was a mistake.

Q. How came you to get Wednesday and Tuesday so confused together in your mind? A. I can't say.

Attorney General. He wants to know how you discovered your mistake.

Mr. Sohier. Did you make any other mistake which you did not alter in regard to this transaction of Wednesday? A. I made no other mistake. I don't think I have.

Q. Did you first arrange in your mind these facts that you have testified to here yesterday? A. I don't know, it was after Dr. W. was arrested in that week.

Q. All along that week that impressed them on your mind? A. Yes.

Q. How early did you begin to take a memorandum of the facts? A. I began it on Sunday night.

Q. What hour on Sunday night? A. As soon as I went into my room I told my wife about it.

Q. It was on that Sunday night you began to watch Dr. W.? A. It was.

Q. Were you hunting round the neighborhood? A. Yes. I hunted round, and went into an adjoining building, and to an old cellar that was near.

Q. Did you tell any one you were to get the reward? A. No, I did not.

Q. Did you tell Dr. W. that you were? A. No, I did not.

Q. You say your suspicions were excited that night you speak of, about Dr. W.? A. Yes.

Q. When you saw Dr. W. the day you state, in your direct passing along the street, at which side of the street was it? A. He was at the N. W. side of Fruit street.

Q. Was he near the side walk? A. There was no side walk.

Q. Were you standing in such a position as that he should pass you? A. No; he walked on the flat walk, and then went to the side walk.

Q. This was on Sunday? A. Yes.

Q. You took particular notice of his face? A. He looked particularly pale—much paler than I ever saw him before.

Q. He looked on the ground? A. Yes.

Q. You now then pretend to say, that then you suspected him for having something to do with Dr. P.'s murder? A. I did.

Q. Did you then suspect him, you say, for killing Dr. P.? A. I did.

Q. You say you then suspected Dr. Webster for killing Dr. Parkman? A. I did.

Q. I wish you would state in words what Dr. W.'s words were when he told you he last saw Dr. Parkman? A. He said that was the very time that I gave him $483.63; he then counted the money down on the table, and went off as fast as he could go, down two steps of stairs; he also said that Dr. P. told him he was going to Cambridge to discharge a mortgage; he then said he did not know that Dr. P. was missed; he then left me and went off.

Q. You said that the Monday after the occurrence your wife told you that Dr. P.'s brother had gone up to the college, and he and Dr. W. were there together? A. On Monday I saw them together; they were then talking.

Q. You said that you then had suspicions of Dr. W.; did you state it to any person? A. I don't know; I went down stairs.

Q. Had you then in your mind any suspicion about Doctor Webster? A. I don't know.

Q. You do not understand my question. On Saturday you say you saw Dr. W.? A. Yes.

Q. You went up, you say, into the laboratory, and saw Dr. W. and Dr. P. talking to each other? A. I saw them, and I went back down to the laboratory.

Q. How long was it before Dr. P. left, and when did he go? A. I went down into the laboratory, and in the room door.

Q. After that, how long did Dr. P. remain there? A. I don't know; I believe until after 12 o'clock.

Q. You also saw Mr. Kingsley on the day Dr. Webster's brother was at the college? A. Yes.

Q. Where was Dr. W. at the time? A. He came down himself, and put his head out of the window, and asked us who was there.

Q. Did the Dr. stop there? A. I cannot say.

Q. You say in your direct, that you went in the back laboratory the first? A. I believe I went in the first, and they all followed me.

Q. Then you went down the stairs? A. Yes, and left them there; the Dr. was there at the time.

Q. Did you see Dr. W. after the examination this Monday? A. I cannot say whether I did or not.

Q. At what hour? A. I cannot say.

Q. Where did you go on Monday night? A. I went down to Bryant's Dancing Academy. [Immoderate roars of laughter.]

Q. Did you try all the doors before you went to the academy? A. Yes; I did try them all.

Q. What was your object in going to the laboratory? A. My only object in going there was to do the work.

Q. What did you do there then; did you pass down to his room, and ask him if he wanted a fire? A. I did; and he said he did not.

Q. How long after was it that you made the examination? A. I think about 11 o'clock.

Q. Who led these gentlemen into the laboratory, when they first went there? A. Dr. W. himself.

Q. You recollect stating that you went down stairs after leaving them in the lecture room? A. Yes.

Q. Who else passed down? A. Dr. W. and the other gentlemen; they passed by the privy, and Dr. W. said it was there he kept his valuables.

Q. You stated in your direct examination that Dr. W. seemed to lead them away from the privy? A. Mr. Clark and the others all went past the privy; I saw Mr. Kingsley in the visits there.

Q. Was this before or after you say that the Dr. said "This is my private privy? A. I don't recollect.

Q. You say some one remarked, here are other rooms? A. Mr. Kingsley said, "Here is another room." There was a dark corner in the room.

Q. You stated that you were standing in part of your premises, and saw Dr. W. at work? A. Yes

Q. You say you were watching Dr. W.? A. Yes.

Q. After you left, did you go back to watch him again? A. Yes.

Q. You went back then for what purpose; for the purpose of keeping an eye upon him? A. I then went down the laboratory stairs to hear if the bell would pull.

Q. How many bells are there in the house? A. Three bells, fixed in different places; they ring in different places.

Q. The bell was rung that evening at 4 o'clock? A. I don't recollect.

Q. Did you not swear before the Coroner's Jury that you did not see the Dr. from the time those gentlemen went to make a search until 6 o'clock that evening? A. It is very likely I did, because I made a mistake about the turkey. [Immense laughter.]

Court. This you say was the same mistake? Witness. Yes.

Mr. Sohier. Now let us know how long after was it before you went back with the turkey? [Laughter.] A. It was about 6 o'clock.

Q. What did you do after you got home? A. I stepped into the kitchen and took my tea.

Q. You say your wife asked you before, where you were going? A. Yes; I said I was going to the lodge.

Q. You did not try the doors until you were going to the lodge? A. No.

Q. Did you try them after you came from the lodge? A. I can't say; I got home near 11 o'clock. Dr. Webster told me, that night, that he wanted no fires during the week.

Q. Did you wash anything for him that week? A. I said I used to wash glasses for him; he used always to leave the glasses after him for me to wash; I don't think he moved the glasses from his table.

Q. Did you not swear that you heard footsteps in that room on Wednesday, a little after 1 o'clock? A. I don't recollect.

Q. Did you not swear at the Coroner's Inquest that you went there about 9 o'clock, and a little after heard footsteps or noise? A. I don't recollect that I did say so.

Q. For what purpose were you watching the Dr. when you were listening on the Tuesday? A. He told me he should want no fires that week; I knew Dr. W. always wanted hot fires in his room; he came there early on Wednesday morning, and I thought it very strange that he should be there without a fire in his room so cold a morning.

Q. Did you say before the Coroner's Inquest that you heard any one in the laboratory, before you went in there on Monday? A. I can't say.

Q. When you were watching Dr. W. on Wednesday before you went out, had you any reference to this business about Dr. P.? A. I had.

Q. Now I want to know that if on Monday your suspicions were excited, whether you called to mind what occurred between you and Dr. Webster on the previous Saturday? A. I do not know that I thought of them on the moment, but I was thinking of them all the time.

Q. Do you say that you had suspicions of Dr. W. on Monday morning? A. Yes.

Q. How long did you wait? A. I waited until I heard his footsteps; I then heard him drag something along the floor.

Q. To what direction did you hear it move, or towards where did you hear the dragging? A. I heard it move on the floor towards the coal-bin; I afterwards saw him move towards the furnace, on looking through.

Q. Had you any idea of his burning anything there? A. I was not thinking about the burning.

Q. This increased your suspicions? A. Yes.

Q. Where did you go after this? A I went into the room, and there was great heat there. I thought the heat was great.

Q. How did you know the heat was great? A. I put my hand to the wall, and the wall was hot.

Q. How high was the flue? A. I think the furnace is about three feet high.

Q. That was the place where the heat came out of? A. Yes.

Q. Did you not uncover the furnace? A. No.

Q. Now you said that in the top of that furnace there were some crucibles? A. Yes, and mineral stones.

Q. You spoke of another furnace; were there mineral stones there? A. Yes.

Q. How were they? A. They were all in papers at the time. Q. Did you look into the ashes? A. No.

Q. Did you look into the coal hole? A. No.

Q. You stated in your direct that you looked into the water, with the expectation of finding Dr. P.'s body there? A. Yes.

Q. How many keys had you belonging to that building? A. Sixteen, I believe.

Q. Did you try to get into the privy that afternoon you stated? A. I did not.

Q. Have you got closets in the College? A. Yes, but no locks on them.

Q. Was not this a very common sort of lock upon the privy? A. Yes, I should think it was a very common sort of lock.

Q. Did you not try to get into the privy? A. I did not.

Q. Did you go home that night? A. I did not.

Q. Where did you go? A. I went to a cotillion party. [Loud laughter.]

Q. You stated that you had suspicions about the privy, and that you did not go into it, but yet went to a cotillion party? [Immoderate roars of laughter.] A. Yes.

Q. Did you notice any blood at that time? A. I noticed some blood on the stairs, and I tasted one of the drops with my finger; I saw spots in the laboratory.

Q. To whom did you first communicate the matter on Tuesday? A. To. Dr. Hanifen, next to Mr. Thompson.

Q. Did you on Thursday communicate it to any one ? A. No, except to my wife.
Q. You swore to one knife, did you ever swear to the other ? A. No.
Q. Did the Doctor keep tools in his room ? A. Yes.
Q. You stated the Doctor showed you a knife—when did you see it after ? A. I saw it in the tea-chest.
Q. Had it blood upon it ? A. I cannot recollect.
Q. Did you ever see that paper [handed to witness] offering a reward ? A. I did.
Q. What did you do when you first saw it ? A I went down to the College and showed it ; I saw some of them stuck up round the College in all directions.
Counsel here read the notice offering the reward for the apprehension of the murderer of Dr. P.
Mr. Merrill, on part of the defense. " Witness, will you permit me to ask you if you were not in the toll-house on the Sunday after Dr P. was missing ?" A. I was. I went over there on Sunday evening.
Q. You asked the toll man if he was the man that said he saw Dr. P. pass over on Friday ? A. I did. He said it was the young man that said so.
Q. Do you recollect saying to any one there that you saw Dr. P. go into theCollege on the Friday, and go out again ? A. I did not. I said I never saw him go in or go out.
Q. Did you ever say to any one there that you saw Dr Webster pay Dr. P. money ? A. I never did.
Q. Did you not say so to a gentleman named Green, who was there ? A. I did not.
Q. Do you know a Mr. Green ? A. I do not. I don't think I do.
[After some few questions on the direct examination, which was resumed, and some further cross-examination, of no particular import, the witness withdrew from the stand.]

Twenty-seventh witness.—Andrew A. Foster called.—I am a provision dealer, in Howard-street, near the Howard Athenæum. I delivered a turkey to Mr. Littlefield on an order from Prof. Webster, on Tuesday afternoon, the 27th November, 1849, between 3 and 4 o'clock, P. M. ; received another at the same time, from Littlefield, signed " J. Webster," for some sweet potatoes.
Cross-examined.—Mr L. came to my store some time since, and wanted to look at my books to see the order ; I think he remarked that he had made a mistake in relation to the time.
Twenty-eighth witness.—Mrs. Caroline Littlefield called.—Am wife of Ephraim Littlefield ; myself and husband resided in the basement-story of the Medical College ; on Sunday, I gave my husband caution against communicating his suspicions of Prof. W.
The defense objected to the introduction of this conversation in evidence.
The Bench ruled it competent.
I was standing in the kitchen at the time, and he (my husband) beckoned me to him and told me his suspicions of Prof. W.
The Court ruled out the conversation of Mr. L., but admitted that of Mrs. L on that occasion.
I said, " Don't for mercy's sake say so again, or mention it to anybody, for if the Professors hear of it, they will make trouble for you." I noticed that Prof. W.'s rooms were shut on Friday afternoon of Dr. P.'s disappearance ; the Professor had asked me to get him some clean water ; I sent some up soon by my little girl ; she returned and said the door by the laboratory stairs was locked ; I told her that she must be mistaken. for the door was always unlocked ; I went up and found that the door was locked ; I went several times on Saturday and Sunday, and tried the doors of the laboratory ; on Monday morning I found the doors of the laboratory unlocked once. I again found them locked ; I think it was the same morning that the express man left the grape vines, a box, and a bag, in our apartments ; said things were never left there before ; the express man used to call frequently and leave things at the College in Prof. W.'s room. He could always until this time, enter the rooms of Prof. W. ; he tried the doors in my presence ; they were locked, and he said, " You see now the doors are locked, and I can't get in ;" I wanted the grape vines and tan out of the way, because the children were playing with them, and scattering them about the rooms ; don't recollect now how long Dr. Samuel Parkman stayed at the College on the day he called ; don't remember exactly the time that Prof. W. came to the College on Friday morning ; he said to me, " Mrs. Littlefield have you heard anything about Dr. P. ?" I replied no ; he then repeated the story of a woman seeing a large bundle put into a cab, &c ; Mr. Littlefield said there were so many stories told that I don't know what to believe ; Prof. W. was not present when Mr. L. said this ; it was mentioned by my husband that he was digging in the wall on Thursday ; I think he had been to work about an hour when he came up again ; on Friday my husband went to work again in the cellar ; the doors were locked, and I was ordered, by my husband, to knock four times on the floor if Prof. W. came ; I thought that I saw Prof. W. and knocked for my husband ; he (Mr. L.) came up ; I found I had mistaken the person of Mr Kingsley for Prof. W. ; my husband went out, and while he was out, Prof. W. came in ; Prof. W. took the grape vine, bag and bundle, and set them in his laboratory ; he shortly afterwards went out and saw him talking with police officers ; my husband came in some time afterwards, and went down to work again ; in about an hour he came up again.
Q. How did he, Mr. L., appear when he came up out of the cellar ? A.—He looked dreadfully.
Defense objected to this testimony, but the Bench sustained it.
I never saw him look so before ; he seemed very much affected, he burst out crying ; I said to him——
Attorney-General.—You need not repeat the conversation.
Witness—Well, then, I cannot say anything. [At this reply the members of the bar laughed heartily, and the witness joined in the merriment.] My husband ordered the doors to be all locked, and went out ; Mr. Tenholme came in, and I got a key and unlocked the cellar door to let him go down ; he went down, and shortly afterward came up, saying there was no mistake about it ; my husband returned with Dr. Bigelow and several others ; I never saw any bed clothes left at the laboratory by the express man.

Cross-examined.—I do not recollect exactly what time I got the water for Prof. Webster; it was after the officers had been there; there was a bag and bundle brought by the express man; I did not see Prof. W. take the bag, bundle and box into his laboratory, but when he went up stairs they were in the entry, and when he came down they were missing, so I concluded that he put them in his room.

Twenty-ninth witness.—JOHN MAXWELL, called. I live in Fruit street Place; know Dr. P.; he lived in Walnut street; a few days before Dr. P. disappeared I carried a note from Prof. W. to Dr. P., and delivered it to him in his own hand.

Cross-examination of this witness declined.

JOHN HATHAWAY, called.—Am engaged at the Massachusetts Hospital to compound and deliver medicines; Mr. Littlefield applied to me for a jar of blood; I think on Thursday, a week before Thanksgiving; didn't get the blood for Mr. L.; I attended all the lectures on Chemistry.

Cross-examined.—I fix the day on which Mr. L. applied to me by the fact, that there was but one more lecture on Chemistry in the course.

The Court here addressed the Jury, saying that he was under the painful necessity of stating to them that the trial would progress into another week, and that they would be obliged to remain in the custody of officers. He said they must withhold the expression of their opinions and abstain even from the formation of opinions on the subject, because they had only thus far heard a part of one side of the case.

The Court here adjourned until Monday, A. M., at 9 o'clock.

SIXTH DAY.

The Jury entered at 5 minutes before 9 o'clock, and were followed by the Court at 5 minutes past 9. The names of the jury were called and the proceedings commenced:

Thirtieth witness.—MRS. SARAH RUSSELL, called by government and sworn—Am acquainted with and related to Mr. and Mrs. Littlefield; am neice of Mr. and Mrs. L.; I visited Mr. and Mrs. L. on the 19th Nov. 1849, and staid till the 27th; heard of the disappearance of Dr. Parkman on Friday, Saturday, Monday and Tuesday; on Friday a gentleman came to the door between 4 and 5 o'clock in the afternoon; I went to the door and let him in; it was Mr. Petty; I did not let him in at the front door; the key was not in, and I did not know where to find it, so I looked through the side light of the door and saw a gentleman who asked for Mr. L.; I replied to him that Mr. L had laid down, but that if he would go round to the other door I would go and call Mr. L.; he went round, and I went down stairs to call Mr. L., and when I got down there I saw Mr. L. coming out of the bedroom in his stocking feet, and passed into the kitchen, and Mr. L. went to the door.

Cross-examined.—I know that it was between 4 and 5 o'clock, P. M., because it was after the lectures were over, and after Mr. L. had laid down; first called these facts to mind about two weeks since; was at Medford, and Mr. and Mrs. L. were there, and we were talking about it. and my father asked who went to the door; then I thought of these things.

Thirty-first witness.—JOSEPH W. PRESTON called. Am a student of medicine; attended the last course of Professor Webster's lectures; saw Prof. W. on Friday, Nov. 23, 1849, after the lectures were over; it was about 3 o'clock; saw him about 10 or 12 feet from Mr. Littlefield's carriage shed; he was going toward it; am not able to say whether he entered the College or not; am perfectly confident, myself, that this was on Friday evening; I was coming from the dissecting-room.

Cross-examined.—The shed was on the opposite side of the College, into which the Professors used to drive their carriages; the shed is called the east shed; I was to meet two young medical students in Hanover-street that Friday night, and I had told them I could'nt meet them on any other night; I have thought of it several times; I thought it was a remarkable fact, meeting Professor Webster that night at that time; I mentioned it as a remakable fact to Mr. Richardson a member of the Bar, in the cars; I don't remember whether it was before or after the disappearance of Dr. Parkman; I fix the hour from the fact that I usually have my tea at half-past six o'clock, and was to have met the young students referred to at 7 o'clock. I came from the dissecting-room at the time I left it.

Direct examination resumed.—Thought the meeting Dr. Webster on Friday night remarkble, because I never saw him before at such a time. This was the second course of lectures I had attended.

Thirty-second witness.—WM. CALHOUN, called.—I drive a team for Mr. Fuller; am acquainted with Littlefield: live at the corner of Fruit and Grove-sts.; was with Mr. Littlefield talking, on the Sunday after the disappearance of Dr. P., and saw Professor W. in N. Grove-street, opposite the College; he came down Fruit-street, I think it was about 4 o'clock. It was clear enough to see; he, Webster, came up to L. and said to him, did you see Dr. Parkman last week? Mr. L. said he saw him on Friday, going toward the College. Professor W. asked where he, Littlefield, was when he saw Dr. P? Littlefield replied that he was standing at the front door of the College, but did'nt see Dr. P. when he went to the College, as he had gone and laid down on a settee at a distance from the door.

Professor W. asked what time on Friday afternoon Littlefield had seen Dr. P. coming toward the College; L replied about half-past one, P. M.; Professor W. said: "That's the very time I paid him $483 to discharge a mortgage," and that the Dr. grabbed the money and ran off as fast as he could, and as he was going, Professor W. said to him, "Now go to Cambridge and discharge the mortgage;" did not see anything remarkable in the appearance of Dr. W. at the time. Cross-examination of this witness was declined.

Thirty-third witness—Dr. Jno. B. Jackson, called—I am Prof. of Physiological Anatomy at Harvard College, in the city of Cambridge. Mr. Littlefield had an interview with me on Friday, at the College, at one o'clock.

[The introduction of this conversation was objected to by the defense, but it was allowed to proceed by the bench, to test the relevancy of the subject matter of the conversation.]

That he couldn't go into the street without being told that Dr. P. was within the walls of the Medical College, and that he meant to dig to the privy vault and examine it; I told him to go in, and if he discovered anything to go to Dr. Bigelow first, and then come to me; enjoined strict secrecy upon him in case he made no discovery, and pledged myself to the same; when I came home that evening I found him (L.) at my place; don't know whether W. used anatomical subjects in his department or not.

Cross-examination of this witness declined by defense.

Thirty-fourth witness—G. W. Trenholme, Policeman—My beat was at the west front of the city last November, near the Medical College; never knew Littlefield, the janitor of the College: knew Prof. W.; saw Prof. W. on the Sunday afternoon after the disappearance of Dr. P.; I was standing talking to Littlefield when he came up; he (W.) said to me, "What about that $20 bill?" I told him I did not know anything about it; he then told me the story of the Irishman offering the $20 to change for a toll of one cent.

Here witness said he was mistaken, and said that he was talking with Mr. James H. Blake, late City Marshal, instead of Littlefield; W. came up and spoke to Mr. Blake, and said that the first he had heard of the disappearance of Dr. P. was the evening before; he said he had read an account of it in a paper; Prof. Webster said that on the day of his (Dr. Parkman's) disappearance, he had paid him $483 and some odd cents, to discharge a mortgage, and that he (Webster) had come to the city to tell his (Parkman's friends; did not see Prof. Webster during the interview between that Sunday and the Saturday of his arrest.

Mr. L. told me on Friday afternoon, about 4 o'clock, that he had told the officers that every place in the College had been searched except that, and he meant to penetrate the walls and see if there was anything there. He said he (L. had felt the walls of the laboratory very hot some time before. I felt of the walls; did not feel any heat there then. It was the Friday afternoon when the remains were discovered; the conversation took place about the $10 or $20 bill offered by the Irishman in payment of toll.

Prof. W. said that the City Marshall had got the bill from the toll man, and had sent for him W., to identify it; he W. said he didn't identify it as one paid by him to Dr. P.; Prof. W. then went away; just afterwards Littlefield came out and said he should be though the wall in an hour so. In about an hour afterwards Littlefied came up and said he found Dr. P. in the vault, and that he was going for Dr. Bigelow; he went off, and I went into Littlefield's house, intending to go down into the cellar to see the result of his discovery.

Mrs. L. asked me if I was not afraid to go down; told her no, and she then gave me a lamp and opened the cellar door; I went down, and looking into the vault through the hole in the wall, saw the parts of the body described; shortly Marshal Tukey, Dr. Bigelow, and the others came down.

To the Court—The remains were taken out of the vault and laid on a board; they were left there till the party came down.

Direct—I was left in charge of the College until Prof. W. was brought down by the party; he (W.) was brought down about 11 o'clock at night; I was not at the door when he (W.) came: Littlefield came up stairs and told me that Prof. W. had come; the party went to the laboratory, the door of which was forced in; we went to the privy and asked where the key of it was; Littlefield replied that Prof. W. had it.

Prof. W. said he had not got it, but that it was hanging up on the shelf; we took down the key he showed us, and went to the under laboratory, and tried it, but it would not fit the lock of the privy; the door of the privy was then broken open; Professor Webster appeared to be confused; while in the lower laboratory, he was more agitated than when he was in the upper one; he called for water, and when it was brought to him, he snapped and bit at those who offered it; Officers Adams, Rice, and myself, remained at the cell all night; I remained there until Sunday afternoon; was relieved from duty only a few minutes at a time; during this interview, I was not under orders to keep a strict watch upon Mr. L. or any one else at the time: the place was properly and securely guarded; the remains were put in a box, nailed up and placed in the privy: an inquiry was made for the hatchet belonging to the laboratory; W. replied, down the sink; I think Mr. Littlefield succeeded in finding the hatchet.

Cross-examined.—Prof. W. accosted me on Friday afternoon, saying, "What about the $20 bill?" he said something about the City Marshal at Cambridge in connection with this bill. I was acquainted slightly with the Professor at that time. I saw Littlefield on Saturday, the day after the disappearance of Dr. Parkman; he was talking with Mr. Kingsley.

He, Littlefield, said he had not seen Dr. P. for three or four days. To the Court—Mr. Littlefield was talking with Mr. Kingsley, on Saturday afternoon, the 24th of Nov. and I understood

him, Littlefield to say that he had not seen Dr. P. for three or four days. Attorney-General—State all you know about the conversation. Witness—Littlefield afterwards corrected this statement to the City Marshal. This was objected to by the defense and ruled out as incompetent by the Bench.

Some inquiry was made for the hatchet on Friday night at the College; I think Mr. Adams broke open the privy door; the lock was afterwards taken off or it dropped off; the privy door was afterwards nailed up.

Thirty-fifth Witness—NATHANIAL D. SAWIN, called—I run the Cambridge and Boston express; know Prof. Webster; have been in the habit of carrying articles to and fro for him; carried some articles to the College from the Professor's house on the 12th of November, on the 26th and also on 23d of Nov.; on the 26th I brought in some bundles for him—some grape vines, which I took for faggots at the time—a box and a bundle; I left them in Mr. Littlefield's cellar by order of Professor W.

To the Court.—He (W.) said, "you leave them in the cellar and I will take them into the laboratory."

Direct resumed.—I never had similar orders given me by the Professor before; have been to the College on business for Professor Webster something like two hundred times in the course of three years; I used to leave things in the laboratory; used to get the key from Littlefield's kitchen; I tried the door of the laboratory, thinking I might have mistaken my orders; found the door locked; on Wednesday I carried two boxes from Cambridge to the laboratory; one of the boxes was about 2 1-2 feet long, and a foot deep, and same width, and the other about a foot and a-half square.

To the Court.—The box had something in it; I left the boxes in the cellar, and noticed the grape vine and other articles that I had brought before still in the cellar.

Direct resumed.—After the arrest of Professor Webster, I went to the College for the purpose of ascertaining if the remains were in the College still.

Cross-examined.—I have been in the constant habit of carrying things from Cambridge to the Medical College for Professor Webster; always have been in the habit of going in and out of the laboratory; saw the knife now exhibited, (bowie knife,) in the hands of Professor W. in his garden at Cambridge on the 17th November, 1849; he was cutting some grape vines; he remarked to me that he had a peculiar kind of knife; as I stood by him he cut his finger and the blood ran upon the knife.

Thirty-sixth Witness.—DERASTUS CLAPP, Constable, called.—Am one of the Constables of Boston; have been constable for 20 years.

[Here two mortgage notes and an account current, showing the business relations of Professor Webster and Dr. P. on the 23d November, 1849, were exhibited to the Court and to the witness.].

I saw these papers for the first time on the 5th December, 1849, at the house of Professor W., Cambridge; this was the second search made of the house; I was directed by the City Marshal, Tukey, to go to Cambridge with an officer, and search the house of the defendant: according to my directions, I asked Mrs. Webster if she had and would give me a bundle of papers given her by Professor W.; she replied that she had some papers in her possession: shortly afterward officer Sanderson came down stairs with a bundle of papers, among which were the papers now exhibited. As there were many papers in the bundle not mentioned in the warrant, I returned them to Sanderson, and told him to put them into the trunk, where he found them. I took the papers now produced to the Court, and gave Mrs. W. a receipt for them. I took one note from Professor W. to Dr. P. for $400, dated June 22d, 1842, [a verbatim copy of which we give below.] A recess of 10 minutes was granted to the Jury.

[COPY.]

BOSTON, JUNE 22d, 1842.

$400.

For value received, I promise to pay George Parkman, or order, the sum of four hundred dollars, in fifteen months from this date, with interest to be paid.

(Signed) J. W. WEBSTER.

In presence of E.

This is to be given up on payment of Webster's note of Jan. 22d, 1847. Endorsed as follows:—1845, July 10th, interest is received to date, by receipt, and $7 of principal, leaving due $393.

Oct. 10th, $75—in pencil mark. $483.65 balance paid Nov. 1849.

The writing of the endorsement upon this note was acknowledged by Webster to be that of Dr. Parkman. The other note taken by Constable Clapp from Webster's person was read to the Court, a correct copy of which we give below.

BOSTON, January 22d, 1847.

Value received, I promise to pay to George Parkman or order, twenty-four hundred and thirty-two dollars, within four years from date, with interest yearly, and quarter of said sum, said sum being to be paid yearly.

J. W. WEBSTER.

Witness, CHARLES CUNNINGHAM.

In pencil mark on the same note as follows:—500 of the above is G. P.'s Plus 332 equals 832. Also reversed on the same note the following:—On payment of 832 dollars of this and interest. Dr. Webster's other mortgage and note to G. P. of June 22d, 1842, is to be canceled. And in pencil again—(copy)—W. has $831.23 1-2 collected. This note is also endorsed as follows:—1848, April 18th, received a hundred and eighty-seven dollars fifty one-hundredths, by Charles Cunningham. I gave receipt, G. P. Nov. 11th, a hundred and eighty-seven dollars fifty one-hundredths, by C. J., gave receipt. And again in pencil marks: 7—Nov. 3d, $17.56 by receipt. Here the account current containing a statement of the business relations of Professor Webster and Dr. Parkman was read to the Court, a true copy of which we give below.

Account Current—The third paper read was a memorandum dated April 25th, 1849, and signed C. C, directed to Dr. Webster, on which is a statement of several money transactions between Dr. Webster and the late Dr. Parkman, showing that the note of $2,432, was to cover the following sums. It read as follows:

"Due Dr. P., agreeing with Dr. Webster's account, $348 83. Due me, Prescott, $200. Due A. & C. C., $234, and for amount of bills paid which exceed the $1,600, but allowed by several individuals on settlement, $49 62; consequently, the $347 83 is included in the balance of your notes; and Dr. P. took his security in the note for $2.432, and mortgages for that sum; because he did not consider the security he had sufficient for the $348 83, and declined surrendering the note until the debt is paid. He says you received a document from him, dated January, 1847, stating the amount of $2,432 covers both debts to him; the note for $2,432, is in his favor, and is held by him. Your debt to him appears to be the old balance of $348 83, loaned to you, of the $1,600; $500 deduct—paid him $375, leaves 125; giving $473 83. He says you paid him Nov. 3d, 1847, and have receipt for $17 56, without interest; $456 25 after loss of $1,600 nett. 1847, you owed Dr. P. as above, $125; W. Prescott advanced $500; paid him $187 50—$312 50. Mrs. P. advanced $200; paid her 75—$125. Mr. Nye advanced $200; paid him $150—$50. C. C. advanced $100; paid him $75—$25. Amount, $637 50. I have seen Dr. P. this evening, as requested by you, and trust the above contains all the information you wish."

In pencil thus: "But due Dr. P. is $456 27; $27 37; $483 64."

Also, in pencil: "The interest as above calculated."

Direct examination of Constable Clapp resumed.—I took a wallet from Professor Webster at the jail, and put my marks on the memorandums; they will be found annexed.

[COPY.]

"Mr. A. Friday received $510. $234 10, and Doctor Big., leaving $275 90; Pettes cash; Dr. P. came to lecture room, forward left hand seat; students stopped; he waited till gone and came to me and asked for money; desired him to wait till Friday, 23d—as all the tickets were not paid for, but no doubt would be then; he, good deal excited, went away; said I owed him $484 64; Friday, 23d, called at his house about 9 o'clock, A. M.; told him I had the money, and if he would call soon after one, would pay him; he called at half past one and I paid him $483 64."

On the 2d page of the sheet, containing the above, was also written the following:

"9th. Due Dr. P., who called at lecture, $483 64, by his account; desired him to wait until Friday 23—angry."

"Friday ½ past 1.—Paid him to clear mortgage notes, Febuary 13th, 1847, including small one $21 37; 125 due him on loan, which the large note covering, he agreed to give up toward sale of minerals; balance due $483 64; paid and he gave me up two notes; had not the mortgage but said he would go and cancel it; had paid him $375 by Smith, 125 due—total, $500; the loan receipt from other persons, mortgage 22d June, 1842: note $400, June 22d, 1842; note $2,432 January 22d, 1847."

After this a small scrap of paper was exhibited to the Court by the Government, and put in evidence; it had on it several words, such as "molasses jug," solder, "paint," &c.; it was dated Friday 23d Nov., 1849.

Direct examination resumed—On the night when we went to the College to make the search, we went with Mr. Littlefield to the door of the Professor's laboratory, and Littlefield knocked; he knocked twice before Prof. W., come—when Pro. W., came to the door, I recognized him at once; had known him by sight for a quarter of a century; I said to him—"We have not the slightest idea of searching your rooms, but we thought that if we began by searching the College, the other people in the neighborhood couldn't say anything against having their own houses searched." Prof. W. let us in, and we passed through the upper and lower laboratories; I didn't take much notice of the rooms at the time; I went toward the privy, and some one called my attention from it; do not remember which door we went out of, whether it was out of Littlefield's door or the front door; we went to the disecting-vault.

The impressions made on my mind by that search were not very vivid, inasmuch as I did not suspect in the least that Dr. P. was inside the College rooms. We made a very thorough search of Littlefield's apartments. We searched the garments of the males and females of Mr. Littlefield's family; on Friday night when Prof. Webster was arrested I was sent to the College by the City Marshal; I went down the cellar and saw the remains in the privy vault; came up and went through the laboratory and examined it thoroughly; saw a pan in the lower laboratory, which was covered over by several pieces of freestone; I lifted the freestone off the pan with the assistance of another officer, and found some hard coal with pieces of bone attached to it. I was shortly afterward sent by the City Marshal to Cambridge to arrest Prof. Webster; I went to

School street, got a coach; took in Officer Starkweather and proceeded to the Boston side of Cambridge Bridge; There I took in officer Spurr; we drove over to Cambridge to the house of Prof. Webster; we stopped the coach when within five or six rods of his house, and went up and knocked at the door and inquired for the Professor; he came forward to see what we wanted; we told him that we wanted him to go with us and assist at one more search of the Medical College in North Grove street; he said something about its having been searched two or three times before, but was very willing to accompany us; he put off his slippers, drew on his boots and came out; just as we started he remarked that he had forgotten his keys and that he would go back and get them; I told him that we had keys enough to unlock all the rooms in the College, and that it would not be necessary for him to go back for them; he said it was very well, and got into the coach; the driver turned toward Boston, and as we rode away, Prof. W. conversed on indifferent subjects; he talked of the Greenbush Railroad, &c.; the conversation finally turned on the disappearance of Dr. Parkman; Prof. W. then said that a Mrs. Bent, of Cambridge, had seen Dr. P. at a very late hour on Friday evening, when he disappeared, and he said, as she lived near the Bridge, we might call and see her; I declined to go, saying we could go some other time; in coming over the bridge, Prof. W. asked if anything further had been done in the search for Dr. P.; I said that the hat of Dr. P. been found in the water at Charlestown, and that the river had been dragged above and below the bridge: as we came along the coachman drove past the street leading to the Medical College and proceeded up toward the jail; Prof. W. remarked that he was going in the wrong direction; I replied that he was a new coachman and somewhat green, but that he would doubtless discover and rectify his mistake; this reason satisfied him; the coachman still drove on and shortly after arrived at the jail; I got out of the coach and went into the jail, in order to see if there were any spectators there; found there were not, and then went back and said to the officers and the prisoner, "I wish, gentlemen, you would alight here for a few moments."

The officers got out of the coach and the prisoner followed. We passed into the outer office and I then said, "Gentlemen, I guess we had better walk into the inner office." We went in, and then Prof. W. looked at me and said, "What is the meaning of all this?" I said to him, "Prof. W., you will perhaps remember that in coming over Cambridge Bridge, I told you that the river above and below it had been dragged—we have also been dragging in the College, and we are done looking for the body of Dr. P., and you are now in custody on the charge of being his murderer." He uttered two or three sentences which I did not distinctly understand, but which I supposed at the time to refer to the nature of the crime with which he was charged. He finally spoke plainly and said, he would like his family to be informed of his arrest. I told him if his family were told as he requested it would be a sad night for them, and told him further, as he was beginning to talk, that he had better not say anything to me or any one else at that time. I afterward left the prisoner in custody and made out a mittimus directed to Mr. Andrews, who was absent at that moment, the jailer, directing him not to commit the prisoner to the cells until he heard from me. I went down to the College after this and looked about the laboratory and shortly afterward the prisoner was brought down there.—He was greatly agitated and looked as though he did not know what was going on about him.—He appeared to me to act precisely like persons whom I have seen in delirium tremens; some one handed him water, but he could not drink, and snapped at the glass like a mad-dog. I broke open the privy door, and the lock fell off. At the jail I searched the pockets of the prisoner, and took from him a wallet containing papers, a gold watch, two dollars and forty cents in money, an omnibus ticket, cases and five keys—one of the keys, the one now exhibited, fits the lock of the privy. My search at the house of the Professor, in Cambridge, did not amount to much. Here the Court adjourned until 3½ o'clock P. M.

Afternoon Session.

The Jury came in at 25 minutes past 3 o'clock. The Court entered at 20 minutes before 4 o'clock, and the proceedings commenced.

DERASTUS CLAPP recalled.—Cross examined.—When we went down stairs to the Laboratory we held the doors of the privy and private room; I think the doors were tried; Prof. W. went down ahead of us; saw some mineral on the furnace; when we arrived at Prof. W.'s house, at Cambridge, we told him we wanted to make another search of the College; Prof. W. said that he should not be the loser if Dr. Parkman hadn't discharged the mortgage; think he said also that he believed Dr. P. was an honest man; he said something about the Rail-road and about Dr. Parkman having been seen at several places by different people since his disappearance; the conversation between us was very free and it was my endeavor to keep it so; we arrived at the jail at 10 o'clock; know the hour because I looked at my watch.

Thirty-seventh Witness.—CHARLES W. LITTLE called.—Am a resident of Cambridge, and a student at Harvard College; knew Dr. P. by sight; I met him on Thursday, the day before that on which he disappeared, near the Mount Auburn road; he was in a chaise, and inquired of me where Prof. W. lived; I pointed out to him his residence, and he rode on; I met him about ⅛th or ¼th of a mile from Prof. W.'s house; I fix the first day from the fact that I went to New York the next day; I returned the next Sunday; Dr. Parkman was riding alone.

The cross-examination of this witness was declined.

Thirty-eighth Witness.—SETH PETTES called.—I do business in this city; am Clerk in the New England Bank; I collect the funds of the medical faculty; I began this last office the 7th of November, 1849; I sold 55 tickets to Prof. W.'s chemical lectures at $15 per ticket—amounting

to $825; I disposed of all the tickets for the faculty's lectures; I disposed of about 100 in all; for some I received promissory notes, and some were given free, according to custom. (Looking at an account) I disposed of 93 tickets to Professor Webster's lectures; 38 I disposed of for promissory notes; and 7 remain on hand. I collected two of the promissory notes on half ticket. Prof. W. would realize $15 on the amount thus collected; all therefore collected on the tickets sold by me amounted to $825 plus $15; the $15 I paid to Dr. Bigelow, Treasurer of the faculty, by order of Prof. W. I have a list of 107 students who attended the whole course of the faculty's lectures. There was one other ticket to Prof. W.'s lectures which I have not mentioned. Mr. Littlefield sent for me to come to his house and fill out a ticket for a student named E. R. Ridgeway; there were two other tickets which I have not named. There was due Prof. W. out of those tickets, sold for the first division, $510 I paid that in the following manner; I paid Dr. Bigelow a note dated April, 1849, in his favor, against Prof. Webster, for $225 89, and interest $8 21, making the amount of the note $234 10; the balance of the funds, amounting to $275 90, I myself paid to Prof. Jno. W. Webster. The next division was on the 14th, or about the 14th; I credited him with thirteen tickets sold, amounting to $195; I drew a check for it on the teller of the New England Bank. The check is dated on the 14th of November. Prof W. endorsed the check, and I gave him the money for it. The next division was on the 16th, for two tickets, amounting to $30. This I paid Mr. Littlefield on an order from Prof. W.; I also gave the rest of the tickets on hand to Littlefield on the order. The last division I paid Prof. W. was on Friday, the 23d Nov. 1849; I gave him a check on the New England Bank for $90, and charged him with it; I have now some funds on hand belonging to Prof. W. The first time I saw Dr. Parkman was on the 12th November, 1849. He came into my office and inquired if I collected the money for the Medical Faculty. He asked me if I had any money belonging to Prof. W.; I said I had not, as I had paid Prof. W. but a few days before; he (P.) made some remarks, and left the Bank.

In a few moments he returned, and took a dividend belonging to his wife, and signed his name George Parkman; I asked him if Professor Webster owed him anything; he said, "I should think you might know by my manner." He came in a few days afterwards, and asked again if I had collected any more funds for Professor Webster; I said I had just paid him $195; he said, "I thought I had given you a hint to retain the money for me." I replied that I had no authority to retain the funds, but was ordered to collect and pay them over; he said, "You would have been doing justice to Prof. Webster and myself, if you had paid the money to me, because now I shall have to distress Prof. Webster and his family—now I shall have to trustee him." He made some further remarks, and then said, "Prof. Webster is a dishonorable man, and do you tell him so for me." I never saw Dr. Parkman afterwards; I went to the Medical College about 9 o'clock on the morning of the 23d of Nov., 1849; I inquired for Mr. Littlefield; there was hanging in the entry a notice in the advertisement that I wished to alter from Thursday to Saturday.

To the Court.—This was a notice given by myself to the students that I would be at the College on Saturday to dispose of the tickets; I went into the College and down the stairs through the entry into the Laboratory; the door was not locked; I passed into the back private room, found Prof. W. there; excused myself for coming in at that hour in the morning—he said, "Walk in"—I then stated to him the reason I came; I told him that Dr. P. had been to me several times to see if I had funds belonging to him, Webster, with the intention of trusteeing me, and as I did not like to have any money belonging to him, W., in my possession, and so had come to pay it over to him; he remarked, Dr. Parkman is a singular sort of man, very nervous, and that he was accustomed to have fits of aberration of mind—so much so, that he has been obliged to put his business into the hands of Mr. Blake, a relative of his; he, W., added, you will have no further trouble with him, Dr. P., for I have settled him.

I gave Prof W. on that occasion $90; I called again on him the afternoon of the same day, Friday, the 23d, at the request of Mr. Littlefield; I went to the front door and found it locked; a girl came to the door and told me to go round the other way; I went down stairs to the other door, and Mr. L. came to the door in his stocking feet; it was then arranged about the tickets, and I went away; I called at the College the next day; went into the lecture room, and there saw Mr. Littlefield.

[Here the defense objected to the introduction of this testimony on the ground that the government introduced this evidence merely to corroborate the collateral testimony of another witness. The government urged the question, but the Bench overruled the introduction of such evidence.]

I went to the College with the intention of paying him the money I then had in my hands, belonging to him; do not think he knew I intended to pay him any money that morning, or whether he expected to see me.

I don't recollect hearing Dr. Parkman making use of any profane language during the interview at the New England Bank; he made some expression when I told him I had paid Professor W. a day or two before, that sounded like "the devil you have," or something like it; don't really know whether he used profane language or not; told him I would not employ any expressions like those he applied to Prof. W. to him for any man.

Cross-examined—I have only a list of those students who buy tickets of me; don't know whether there were more at the lectures or not, or by whom the others were supplied.

The expressions used by Dr. P., relative to Prof. W., were very harsh; don't know the man well enough to say whether he was angry or not; he was a good deal agitated at the time.

Direct examination resumed—I did not think I communicated any expression to Professor Webster, from Dr. Parkman, similar to "you are a damned scoundrel," "whelp," or the like.

Thirty-ninth Witness—John B. Dana called—Am Cashier of Charles River Bank; Prof. W

kept his bank account there; the bank-book now exhibited is one belonging to him; the deposites made by Prof. W., in the month of November, were as follows: "November 10th, $375 20, a check on the Freeman's Bank. Nov. 24th, a check for $90 on the same Bank. On the 23d of November, the balance due Prof. Webster in the Bank was $130 16. On the 1st of November until the 16th, he had on hand in the Bank a balance due him of $426. On the 10th, he deposited the sum of $275 90. On the 13th December, he drew on a check in favor of a Mr. White, a check for $93 75. On December 3d, he drew a check for $5, and another for $19.

These were the last sums paid; there was a balance due him on the day before his arrest, amounting to $68 78. This amount was trusteed on Saturday, the day after he was arrested; the trustee writ was issued in the name of one Richardson, coal dealer. I sometimes pay checks on one day, and don't charge them until the next; am certain that I paid the last check on Saturday, and not on Monday, as charged.

Cross-examination of this witness declined.

Fortieth Witness—Dr. DANIEL HENCHMAN called and sworn—Am a druggist, doing business in Cambridge; am acquainted with Prof. W.; Prof. W. asked me if I could give him bills for a check to the amount of $10; I did so; gave one bill; he gave me a check on the Charles River Bank; it bears date the 22d Nov., 1849; it was handed me on the morning of the 23d, at about 10 o'clock in the morning; I have never received any payment for that check up to the present day; the check was presented at the Bank on Saturday, and they said there were no funds.

Cross-examined—Don't know of my own knowledge that they said there were no funds; don't know that it was presented on Saturday; the man that I gave the check to for collection told me so.

Mr. SOHIER—Well, get down, then.

Forty-first Witness—J. H. BLAKE called and sworn—Am nephew to Dr. Parkman. On the Sunday after the disappearance of Dr. Parkman, I was standing in the jail lands with some police officers when Dr. Webster came up; he had no overcoat on; the day was rather an unpleasant one; he said he had read in the *Transcript* that Dr. P. was missing, and he had come into the city to tell his (Dr. Parkman's) family that he (Prof. Webster) was the man who had called at Dr P.'s house on Friday forenoon to make an appointment to meet him at half-past one o'clock; that the Dr. had called upon him, and he had paid him $483 64, due on a mortgage, and that he had trusted in Dr. P. to discharge the mortgage; he (W.) said, "We all know Dr. P. to be an honest man, and he has or will do it;" he made some further remarks, and then went into the College. I did not see Prof W. again on that day; I came up North Grove street, turned down toward the jail lands, and had stood there about three minutes when W. came up; he might have come up North Grove street without my knowing it; when he accosted me he shook and held me by the hand during the whole time of the interview; I thought it was rather singular behavior; I was not much acquainted; he said he had trusted the mortgage deed with Dr. ; he said also, "I have got the note."

Cross-examined—I was searching for Dr. Parkman at the time, but did not mention it at the time of the interview; Prof. Webster said he went to church in the forenoon, and had come in to see the Parkman family in the afternoon, about the disappearance of the doctor; he did not tell me how he came in from Cambridge.

Forty-second Witness—Dr. FRANCIS PARKMAN, brother of Dr. George Parkman, called—Have known Prof. Webster from his boyhood; his father's family attended my church at the North End; I also was acquainted with him while at College, and have visited the professor till within two months of the disappearance of my brother; I baptized the grandchild of Professor Webster at Cambridge, I think the latter part of September, 1849, at the request of the family. At about 4 o'clock in the afternoon of the day of my brother's disappearance, Prof. W. called at my house; none of the family had been to church that day; Prof. W. came in, and without making customary salutations, said, "I have come to tell you that I saw your brother on Friday last, about 1 1-2 o'clock and paid him some money.

"I didn't come over before, because I didn't see the notice in the papers till Saturday night, and I thought you would be at church in the morning." Some one in the room said, "Then you are the gentleman who came to see George, and made an appointment with him on Friday morning?" Prof. W. replied, "Yes, I am the one." I said, "We are very glad that we now know who the person was who called that day to make the appointment with George (Dr. George Parkman); we feared he might have been betrayed by some one who had lured him to East Cambridge and there destroyed him." Prof. Webster said, "I saw him at half-past 1 in the College and paid him $483 and some cents; he (Dr. George P.) seized the money and took out a bundle of papers, from which he selected one and dashed a pen across it in a wild and singular manner. I (Prof. W.) accompanied him to the gate, and left him going out; he (Dr. George P.) said he would go to Cambridge and discharge the mortgage."

We questioned Prof. W. upon the behavior of my brother, and the professor made some gesticulations in order to convey to us an idea of the manner in which my brother had behaved at the interview. After some further conversation, Prof. W. left the house. I thought he (Prof. W.) manifested a most singular behavior; his interview with the family appeared to be merely a business one, and he manifested no sympathy with our distress; he displayed much nervous excitement in his demeanor, but not more than is, I believe, usual to him. Never knew my brother to use a profane word.

Cross-examined—Two men called at my house on Saturday or Sunday morning, and said that

they had seen my brother on Friday afternoon, at a quarter past one o'clock. Their names were Fessenden and Ireland; they both stated that they had seen him at a distance.

The Court adjourned here until 9 o'clock to-morrow morning.

SEVENTH DAY.

The Jury entered at five minutes before nine o'clock, and the Court followed at ten minutes pas nine o'clock. The names of the Jury having been called, the proceedings commenced.

Forty-third Witness—RALPH SMITH called—Am in the liquor business; my place of business is in Exchange street; am acquainted with Professor Webster; had some business with him on the 15th of October, 1849; I do not know that the letter now exhibited is the one I received from him on the 15th of October, 1849; it is not marked as I usually mark letters; he was owing me at that time, and I wrote to him for payment; the letter received by me was his reply; the letter was read and was as follows:

CAMBRIDGE, Oct. 15, 1849.

T. K. SMITH, Esq.:

Dear Sir:—I will call and pay your bill on receiving my fees from the medical students, until when I ask your indulgence. Respectfully yours,

J. W. WEBSTER.

Forty-fourth Witness.—SAMUEL B. FULLER, Policeman, called.—I am one of the Policemen; have been for some time; know the prisoner by sight, but have no acquaintance with him; had an interview with him in Cambridge on the Sunday after the disappearance of Dr. P; I went over to Cambridge to the Registry of Deeds, to see if Dr. P. had been over there to cancel the mortgage; the Clerk of the Registry Office looked over the books finding the mortgage readily; he said it would be better to go and see Professor W. and get the original papers; we therefore went to Professor W.'s house to get these papers.

The Professor was at home, and we informed him of the object of our visit: he took a book and turned over the leaves of it for some minutes, and then got up and left the room; I thought he was somewhat agitated; he shortly returned and looked in a trunk under the table, but did not find what he was looking for; he held some conversation with the clerk, who was with me, and told him, finally, that the mortgage was on personal property, and not real estate; I then said: "We will go to the City Clerk's Office and see if Dr. Parkman has been there;" didn't see Prof. W. again that night: I was at the College on the Tuesday after the disappearance of Dr. P., in company with Mr. Kingsley and some others; we went down stairs to the laboratory and knocked at the door, but no one came; we all then went up to the lecture room, and having knocked at that door it was opened to us by the Prof. himself; at that interview I asked him who was with him at the time he paid Dr. P. the money; Prof. W. replied: "No one—there was no one present but Dr. P. and myself."

I asked Professor W. if he would point out to me where Dr. P. stood, when he (W.) paid him (P.) the money; Prof. W. said, "he stood on that side of the table or counter and I on this; we then went down into the laboratory and Prof. W. said, "gentlemen this is my private laboratory;" Mr. Kingsley or some one else looked at the privy and said, "here, gentlemen, is a room that you haven't looked at yet," meaning his private back room; I observed his demeanor at that time and it excited my attention; Prof. W. spoke rather loud and earnestly.

After looking over the laboratory, Mr. Littlefield and myself took a lamp and went down stairs into the cellar under the building, and as far as the wall would let us go; I asked Littlefield whether this was the outside wall which stopped our progress: he said it was not the outside wall but the center wall, separating the privy vault from the building; we afterwards came up and went away; I have examined the walls of the cellar under Prof. W.'s laboratory, and am satisfied that nothing solid could float through them with the tide.

I was at the College again on Saturday, the 30th, after the arrest of Prof. Webster, and in company with six or eight others; had been searching in the laboratory from half past eight o'clock, A. M. until four o'clock, P. M.; had remarked the tea-chest in the corner of the laboratory, which appeared to be filled with minerals; and as we were searching every thing, I thought I would look into that; so I began taking out the minerals; I found them all wrapped in papers like those found in other parts of the laboratory; but they appeared to me to have been newly labeled; I went on taking out the minerals and presently discovered a hunting-knife laying among the specimens of minerals; took it out and opened it; looked at the blades, shut and put it in my pocket; went on a little further, and presently found the chest or thorax of a human being, and a thigh inside of it; I remarked that I guessed I had a knife in my pocket that would fit the hole exactly; didn't brush off the tan from the thorax myself, and forbid the others doing it; I had orders to watch Littlefield closely and not let him get out of my sight; the seat of the privy is 9¾ inches both ways. It (the seat) was taken off after the remains were found in the vault. We tried, Mr. L. and myself, to put the thorax through the privy seat, but we could not get it through. Having tried experiments to see whether noises in Prof. W.'s laboratories or lecture rooms could be heard in other parts of the building, found that they could not. I saw a plate on a bench in the lower laboratory.

Cross-examined.—Littlefield and myself tried to put the thorax through the privy seat; we could

not put it through the hole without forcing it. I found some tan in a barrel in the laboratory; found the knife in the tea-chest, and put it into my pocket immediately. Think it was shut when I found it; the thorax when I turned it out of the tea-chest was back up towards me.

I stood looking at it several minutes, and the others gathered round me; some one took it up, and we found the thigh inside; I saw the hole in the thorax when it was turned over; officer Butman said, "I am going to scrape the tan off to see how it looks;" I forbade him; the thorax was left alone till the Coroner's Jury sat in inquest; we kept the thorax under strict guard until the Coroner's Jury had seen it; I brushed a little tan off it with my hand.

I was at the Medical College on duty from the Saturday after the arrest of Prof. W., until the 5th of January, 1850, a space of five weeks; I have remarked that I thought Prof. W. was excited at the time of the interview in Cambridge, on the Sunday after the disappearance of Dr. P.; have also remarked that his behavior might be natural to him; don't recollect that I said before the Coroner's Jury that Prof. W. said at the College, that Dr. P. was there at half-past one o'clock, on Friday, the 23d of November.

Think I said between half past one and two o'clock; must have said to the Coroner's Jury what I have said here to-day; made a memorandum of the conversation had with Prof. Webster, and also a memorandum of the testimony given by me before the Coroner's Jury; those memorandas are at my office; I have not said that Prof. Webster trembled at the interview on Sunday; I said that he appeared agitated when the officers searched the laboratories; we went into the cellar before going to the laboratories; the privy at the angle of the wall is over a trench into which the tide flows.

The ground near the privy slopes towards the privy wall; can't state the angle of the slope; I found the towels under the privy; the labels for the minerals looked as though they were newly written; they looked as though they had been written five or six months.

Mr. Sohier—The ink was not fresh, was it?

Witness.—No.

Mr. Sohier.—Step down, Mr. Fuller.

Direct resumed.—Mr. Eaton was there at the time of the discovery of the thorax in the chest.

Forty-fifth Witness.—Samuel Parkman Blake, called and sworn.—Am a relation of the late Dr. P.; I took a very active part in the search for Dr. P., devoting my time exclusively to that subject; the Monday after the disappearance of Dr. P. I went to the College, and as I was going up the steps I met a student, of whom I asked whether Prof. W. lectured that day; the student replied that he did not know, but would call the janitor (Littlefield); Mr. L. came, and I asked him if Prof. W. was in his laboratory; he said he didn't know, but would see; we went to the laboratory door and knocked, but did not gain admittance; Mr L. said he would go round the other way, and if I would give him my name he would communicate it to Prof. W.; I gave him my name and after waiting for some time (I thought a very long time,) I was let into the lecture room; Prof. W. came out of his laboratory in a working dress; I asked him to relate to me the particulars of his interview with Dr. Parkman on Friday the 23d of November.

Professor Webster stated that on the Tuesday previous to Friday, the 23d of November, Dr. Parkman had came into his lecture room, while he was delivering his lectures, and sat down on the left-hand side of the room in a front seat, and waited patiently for the lecture to finish; that after the lecture was over, Dr. Parkman had come up to him and said, "You have five hundred dollars in your pocket, and I want it." Professor Webster made an expression of face to show how Dr. Parkman had looked, and I (witness) thought that Prof. Webster manifested a good deal of anger himself at the moment. Professor W. continued, "I told him (Dr. Parkman) that I hadn't got all my money for the tickets, but as soon as I had I would pay him, and Dr. Parkman went off quite angry. On Friday morning, between nine and ten o'clock (continued Webster) I went to his house in Walnut street, and told him that if he would come to the College at half past one o'clock I would pay him. At one o'clock, (continued Prof. W.) he came to my laboratory and said, 'are you ready for me now?'" Prof. W. then showed me the position occupied by the two at the time; he said that Dr. Parkman stood at the end of the table next the door, and he stood at the opposite end; and that he then paid him $483 or $484 and some cents, can't say exactly which; that Dr. Parkman took a bundle of papers from his pocket, from which he took one and dashed a pen across it in a very wild manner, and snatched the money up, and without counting it, was going off; when he said to him there is that mortgage to be attended to; he said he had forgotten the mortgage deed but would attend to it at once. He (Dr. P) then run out of the door with the bills exposed to sight in his hand; have been acquainted with Prof. Webster several years; I thought at the interview on Monday that his manner was very singular, and that he did not exhibit his wonted cordiality; he appeared to throw himself on the defensive and avoid answering questions by asking others; he didn't appear to sympathize with our family in the least, or to manifest any regret; he said he had paid Dr. P. a $100 bill on the New England bank and various other denominations.

Cross-examined.—Littlefield came up to the lecture room after me; I did not hear him come up; heard of the disappearance of Dr. Parkman on Saturday, and was very apprehensive of his fate at the time; when I entered the lecture room Professor W. was putting a jar on the table; he said he was to lecture the next day; I passed into the laboratory and looked round out of curiosity to see what kind of a place it was; the settee on which we sat was in the lecture room and not in the laboratory; we did not sit down in the laboratory; Professor Webster talked on various subjects; he said he had paid Dr Parkman a one hundred dollar bill of the New England Bank, and some other small bills of which he did not remark the denomination or the Bank.

Here a recess was granted to the Jury. The Jury being returned, the proceedings recommenced.

Forty-sixth Witness.—Chas. B. Starkweather, Police-officer, called.—Have been police-officer for four years; took part in the preliminary search for Dr. Parkman from the day of his disappearance until the time his remains were found; Mr. Kingsley and myself went to Dr. Bigelow's and told him we had come to search the College; he said he had no objection, and we went in; we first found Mr. Littlefield, and then went to Professor Webster's laboratory and knocked at the door; we waited some time; should think a minute before the Professor came; we told him what we had come for; we entered the room and went down stairs to the laboratory; Professor Webster came down stairs and as he stood on the lower stairs, he said, "there are all my apartments;" we looked round a short time, and then went away; I was one of the officers who went to Cambridge to arrest Professor W.; we conversed in the coach on the way into the city, upon indifferent subjects, the rail-road, &c.; we spoke also of Mrs. Bent, of Cambridge-port, having said she saw Dr. P. late on the afternoon of Friday, the 23d, going to Cambridge-port; as we came over the bridge and passed Second street, the Professor remarked that that was the street they ought to have turned into to go to the Medical College; something was said about the driver being a little green, and that he would find his way, and we proceeded up Leverett street to the Jail, where we alighted from the coach; we went into the Jail Office, and then Prof. W. said to Mr. Clapp: "Mr. Clapp, what does all this mean?" Mr. Clapp replied: "Prof. Webster, we have done looking for Dr. Parkman;" Messrs. Clapp and Spurr then left the prisoner with me, with orders not to commit him to the cells until they returned; Prof. W. asked for some water; I gave him some but he could not drink; he asked me where they had found Dr. P.; I told him it was not possible for me to answer any questions like those he asked; he then asked if the whole of the body was found, and added: "Oh my poor children, what will they do! what will they think of me? How did you get the information?" I asked him if any one had access to his private rooms; he said no one but the porter who makes the fires; and immediately added: "The villain, he has ruined me;" after this the Professor walked the floor and wrung his hands; he shortly put his hand into his vest pocket and raised it to his mouth; a few moments afterward he had a violent spasm, like a man in a fit; I asked him if he had been taking anything; he replied that he had not; told him I should like to commit him, and put my hand on his shoulder to lead him away, but he could not walk, and I was obliged to call for assistance; I was going to call for a doctor, but Mr. Clapp told me not to send for one then, but wait and see if he, (the prisoner,) grew any worse, and in case he did to send for one; we took him up and laid him on a bed on his side, and he rolled over on his face.

I was at the college at the time that Prof. W. was carried down there, on the night of his arrest. There were a number of persons present at the time. Prof. W. was much agitated at the time. He appeared to be more agitated in the lower than in the upper laboratory. Some one asked for the key to the privy. Dr. W. looked up and said, "It hangs on the shelves." We took down the key, but it did not fit the privy door lock. Mr. Littlefield went up to the furnace and showed that to us. I assisted at a further search in the laboratory after the Dr. was re-committed. The grapplers or fish-hooks now exhibited, were found in Dr. W.'s private room, together in one bundle, wrapped in a newspaper. They have been in my possession ever since they were found, and have not been touched. I was at the laboratory on Saturday, and being in the lower room heard my name called from the upper one; went up and saw Mr. Fuller taking a thigh and another part of a human body, from a tea-chest; there was a piece of string tied round the bone of the thigh; I cut off a piece of it; I found the skeleton keys in Dr. W.'s private room, back under a little shelf; they were tied together in a bunch, excepting one which was found in Webster's wardrobe.

Mr. Sohier objected to the testimony of witness Starkweather in relation to the skeleton keys, which he contended was irrelevant to the issue. He wished to know what it was meant to prove by the introduction of testimony in relation to this bunch of keys.

Attorney General—We expect to show that these skeleton keys fitted other parts of the building beside Dr. W.'s own rooms, and that Dr. W. had his own department in that building. We will show that when Dr. W. was asked about the keys, he said he found them in the street, and it now turns out that they were designed for different parts of that building. It seems to me, that it is entirely admissible as forming part of the *res gestæ*, upon the ground that anything that Dr. W. has said is proper for the consideration of the Jury.

The Court ruled in the testimony after a brief consultation upon the Bench.

Examination resumed.—This key, which I now exhibit, fits the door of the dissecting room and the laboratory doors; the other one, which I now exhibit, fits the lecture room door and the door of the store room also; the third key, which I exhibit, fits the front door and the door underneath the front door steps; this key was found in Dr. W.'s private room.

[Some attempts were here made to introduce in evidence the finding of a considerable quantity of wine and liquor in a cupboard in the laboratory, but it was overruled.]

When Dr. Webster was carried to the Police Court, and while he was in the Judge's private room, I said to him, "I have found some keys in your laboratory;" "What?" said he, "the ones that are filed? I found them in Fruit street, and threw them into the laboratory cupboard."

Cross examined.—I testified before the Coroner's Jury; wrote down part of the conversation with Dr. W.; have looked at it since; was at the Medical College on the morning of Friday, the 23d Nov., and asked Littlefield if there was any private place or room in the College that had not been searched; he replied, everything but Dr. Webster's private rooms, but those are locked,

and W. has got his keys with him; I then said that I would come the next morning and look at those rooms; three of these keys would fit doors in the building not belonging to Dr. W.'s apartments; remember hearing W. say at Cambridge that he would go back and get his keys, and also Constable Clapp saying that he (Clapp) had got keys enough to fit every door in the building.

Forty-seventh Witness.—CHARLES B. RICE, Policeman, called.—I am connected with the Police of this City; was at the College, employed in the examination of it before the arrest of Prof W.; Prof. W. went into his rooms with us; was at the College at the time when he was brought down on the night of his arrest; I heard something said about the furnace, but did not go near it myself; saw Mr. Andrews, the jailor, there with the others.

Cross-examined.—I saw the tea-chest turned over by officer Fuller, and saw the thorax and thigh turned out of the box; went into the lower laboratory on the day of the first search at the College, and heard the allusion made to the privy in the laboratory; Prof. W. stood in an opposite part of the room; he said something about there being another room which we had not seen before.

Forty-eighth Witness.—SAMUEL LANE, Jr., called.—I am in the hardware business in Dock Square; have been in Dock Square one year and a half; have known Prof. W. since 1835; some few days after the disappearance of Dr. P., Prof. W. came to the store and asked for some fish-hooks; the time is not accurately impressed on my mind, because I had been in the habit of doing business with Prof. W. before.

Cross-examination of this witness, declined.

Fiftieth Witness.—JAMES W. EDGERLY, called and sworn.—My place of business (hardware) is No. 3 Union-street; I was called upon to sell some fish-hooks on Tuesday the 27th Nov., toward night; the person who called bought six fish-hooks and went out; should think the hooks now exhibited were the ones I sold the person who called; they are of unusual size and value; we have had them in the store a long time; I have seen the pers on who bought the hooks, since at the jail and in this Court; did not know him at the time.

Cross-examiuation of this witness declined.

Fifty-first Witness.—WM. W. MEAD, called and sworn.—Am in the hardware business at No. 5 Union-street; on Friday, the 30th November, a man came to the store and said he wanted some fish-hooks, of the largest size; he said he wanted to make a grapple of them; I showed him some, and showed him how to make a grapple; those exhibited are not the ones he bought of me; can't say that the prisoner is the man who purchased the hooks of me; I was taken to the jail to see Prof. W., in order to discover if I could recognize him; I did not recognize him at the time; he had on a smoking-cap, and was dressed differently from the individual who bought the hooks of me; I told the officers if they could get him to put on his clothes, I might probably recognize him; Prof. W. put on his hat and coat, and I thought I did recognize him as the person who bought the hooks.

Cross-examined.—It was about one o'clock when I saw Professor W. at the jail.

To the Court—I sold the man three hooks.

Fifty-second Witness.—WM. N. TYLER, called. Am a twine manufacturer; have been in the business 45 years; there is something peculiar in the twine now exhibited; it is called two-threaded marline; have not the least doubt that the twine exhibited, and that found round the fish hooks and the thigh found in the Medical College, is the same kind of twine; it is of an unusual make at the present time; it is made of Russian hemp; that exhibited was carelessly made, as is indicated by the irregularity of the strand.

Cross-examined.—Have no doubt that the twine first shown, and that found on the fish-hooks, &c., is of the same fabric; it may have been cut off the same piece: it is sold by the pound; there is about five cents per pound difference in the price of this and the common kind of twine; the difference between this twine and that found on the remains is, that the latter has been soaked in water, and has become discolored—this, "longer-jawed," as it is technically called.

Fifty-third Witness.—NATHANIEL WATERMAN called and sworn.—Am a manufacturer of tin-plate ware, 83 and 85 Cornhill; am acquainted with Prof. W.; he was in my shop about 10 o'clock on the morning of Friday, the day he was arrested; I saw him talking to my foreman, and stepped up to and accosted him, and said: "Excuse me Doctor, but seeing you here, I must ask what Dr. Parkman did when you gave him the money?" Prof. W. said, "He snatched up the money and ran out of the College in a strange manner." I said, "Some one must have seen him with the money and enticed him into one of his own buildings and killed him, and if he is ever found, he will be found in his own cellar; there is a story about his going to Cambridge, but I do not believe it." Prof. W. replied, "But he did go to Cambridge; I am sure of it." Some one said, "Only think the mesmerizer says that he went away in a cab, and Mr. Fitz H. Homer has found the number of the cab, and there are spots of blood on it.

Here the Court adjourned until three and a half o'clock.

Afternoon Session.

The Jury came in at twenty-five minutes past three o'clock, and the Court entered at twenty minutes before four o'clock. The proceedings commenced.

NATHANIEL WATERMAN, recalled—I told the Professor how the tin box should be made; told him it should be made with the edge coming up straight. [Here the tin box was exhibited to the Court.] I meant that the edge should not be turned in; he said he was going to put small things in it, such as books, &c.; he said he should like to have a strong handle put on the cover;

he spoke about soldering the top up himself, and said, "You know I can do such things myself." I left him talking with my foreman; he only wanted one handle put on the box cover; he did not say at what time he wanted the box to be done. [Here an account between Prof. W. and Mr. Waterman was exhibited, and said by witness to be a correct statement of the articles made by him for Prof. W. for two years] He, Prof. W., never ordered any such thing before; the box was completed on Saturday morning, the day after the arrest of Prof. W.; it was never called for; the label on the box is—"To be called for, and charged;" my store is near the Cambridge hourly depot.

Cross-examined.—He had it made in this manner of his own accord; he said he wanted to put small things in it.

Fifty-fourth Witness.—CHARLES P. LOTHROP, called—I am foreman to Mr. Nathaniel Waterman; Professor W. called at the shop on Friday, the 23d of Nov., about 10 o'clock in the morning; he said he wanted a box 18 inches square and 13 inches deep made for him out of thick tin; I said we generally made such boxes of light tin, unless it was necessary to exclude the air; he said he wanted it made tight, with handle on top; he wanted to know if I could not make it without having a groove in it; Mr. Waterman came up and made some apology for interrupting him, and asked him how Doctor Parkman acted when he took the money; Professor W. said he took the money in his hand and darted off; Mr. Waterman said that he didn't believe that Dr. Parkman went over to Cambridge, but had been murdered in one of his tenements, near North Grove street; Professor W. said there was no doubt that he went over to Cambridge, because he was seen going over the bridge; there was a little more conversation.

Cross-examination of this witness declined.

Fifty-fifth Witness.—SAMUEL BROWN called—Am one of the toll gatherers on Cambridge Bridge; knew Dr P. and am acquainted with Prof. W. On Friday afternoon the 23d of November, I saw Prof. W. from the windows of a grocery store at the corner of N. Grove street. It was about 4 o'clock; I walked out of the toll house toward Cambridge Bridge. Asked him if he could recognize the $20 bill. Early in the morning of Friday the 30th Nov. an Irishman gave me a $20 bill on the Freeman's Bank to take a bill of one cent out of. I told him I should have to give him small change for it, which I did. I took the bill over to Mr. Hadley the toll gatherer, the other side of the bridge, and he advised me to keep it, and I asked Prof. W. if he thought he could recognize the bill, as I thought it might have some connection with the disappearance of Dr. P. Webster said he could not recognize it, because he had paid Dr. P. several different denominations, and could not tell what they were. I saw Dr. P. the last time on the Wednesday previous to his disappearance. He passed on the bridge two or three times, and had stopped two or three times at the toll house to inquire if I had seen Prof. Webster.

Cross-examined—I mentioned that I had received the bill as soon as I got to the other side of the bridge.

Fifty-sixth Witness.—BETSEY N. COLMAN called—Have known Prof. W. several years; saw him on Friday, the day of his arrest, at my house about 4 o'clock, P.M.; the servant let him in, and I came down stairs and recognized the Prof. at once; he asked me at what time I had seen Dr. P. last; I replied on Thursday, a week before Thanksgiving; he asked, "Was it not on Friday that you saw him?" No, it was not on Friday, but Thursday; he asked, "How was he dressed?" I replied, "In dark clothes." Prof. W. said, "There has been a coat found with spots of blood on it, which is said to be his, and a hat also known to be his; this hat was found in a dock in Charleston, and recognized by a clerk of R. G. Shaw, brother-in-law to Dr. P.;" when I told him that I had seen him (Dr. P.) on Thursday last, he said, "Oh, dear, then I am afraid he has been murdered;" he (Prof. W.) asked me again at the door when he was going. "But wasn't it Friday?" he then left the house, and I don't know which way he went.

Cross-examination of this witness declined.

Fifty-seventh Witness.—SAMUEL D. PARKER, County Attorney—On the evening of Friday, the 30th of November, the door of my office opened, and Marshal Tukey, R. G. Shaw, the Drs. Bigelow and one or two others entered, and stated to me that the remains of a human being had been found, by Mr. Littlefield, in the vault of a privy connected with the laboratory of Prof. W., at the Medical College, in North Grove street, and it was believed by them that Prof. W. was the murderer; they wanted a warrant, therefore, to arrest him on the accusation; I told them that if any one of them believed it, they should go before a Justice of the Peace and make a declaration to that effect, and the Justice would issue a warrant; Marshal Tukey said he would make a declaration to that effect; a warrant was accordingly issued by Justice Merrill, of the Police Court, and the Professor was arrested; I was at the jail when he was brought in by officers Spurr, Clapp, and Starkweather; he was very much agitated, and asked for water, but when it was given him he could not drink; he appeared to be in very great distress, and Dr. Martin Gay was called in to render medical assistance; Professor W. exclaimed repeatedly, "Oh, my wife and children; he asked to see Mr. Prescott, his brother-in-law; Mr. Rice, policeman, said he (Mr. P.) was out of town; Professor W. then wanted to see some one of the family; he (Prof. W.) appeared hardly able to stand; some of the Police asked Prof. W. if he could not explain appearances at the College?

I told the police that Prof. W. was not to be interrogated; we all went shortly after to the Medical College; the Professor was carried into the College and to his laboratory between two officers, and while there, was greatly excited; some one asked him for the key of the privy, and he pointed out a key hanging on the end of the shelves; the remains were brought up out of the cellar, and Dr. Gay said in answer to a question of mine, that they were parts of one body;

Prof W. did not go near the remains; I requested Dr. Gay to attempt to soothe the Professor; don't know what he said to him; at the arraignment of Prof. W. at the Police Court, the prisoner waived an examination.

Cross-examined—I sent to the Revere House the next day for the friends of Prof. W.

Fifty-eighth Witness.—JOHN M. CUMMINGS called and sworn.—Am Turnkey and Keeper at the Jail in Leverett street. On the night of Friday, the 30th November, 1849, Professor Webster was brought to the jail by officers Spurr, Clapp and Starkweather; he was very much agitated; he shortly after sat down on a settee, and when I took him by the shoulder, he did not appear to notice me; we lifted him into a bunk, and I left him; Mr. Parker, the County Attorney, soon after came down and said he wanted to see Professor Webster; I went down and shook him by the shoulder, and he cried out, "Oh! I expected this!" Dr. Martin Gay came down and spoke to him, and he sprang out of the berth and threw his arms around the neck of Mr Jones, as though he was frightened; Dr. Gay asked him if he could not get up and come up stairs; he said he couldn't, and we took him and carried him up; we afterwards put him into a carriage and carried him to the Medical College; we had to assist him into the carriage; he was much agitated still, and was covered with a cold sweat; complained of being cold; the night was somewhat cold.

When we arrived at the College, we assisted him out of the carriage; we were obliged to carry him up stairs; in the laboratory, while we were searching about, we found a coat, and he exclaimed, "that's the coat I lecture in;" and as the officers entered the lecture room, he said, "I don't know what they want in there—they won't find anything there;" we had to help him into the coach again on the return to the Jail, and as we were riding along, I noticed that his pantaloons were quite wet, and when I came to take off his outer coat at the Jail, I found his undercoat wet through; we had to carry him to the cell; he appeared in great distress all night; I went down to him twice, once at half past one o'clock, and once at half past two o'clock; next morning he was in the same condition.

Cross-examination declined.

Fifty-ninth Witness.—GUSTAVUS A. ANDREWS, Jailor, called.—Am Jailor of this County; remember the evening when Prof. W. was arrested; was not at the Jail when he was brought in; I went to the Medical College through the shed; a number of gentlemen came down stairs into the lower laboratory where I was, and a gentleman, I think Samuel D. Parker, called my attention to the furnace; I looked into it and saw a piece of what I thought to be a human skull and some fragments of bone; I turned from these and saw Prof. W. within three feet of the privy door; he sat down on a settee, and braced himself up as it were; some time afterwards I asked Mr. S. D. Parker if he wanted anything more of Prof. W. He said, "I have nothing to say." Soon after this reply, I ordered two men to take him to the coach again through the shed, and carry him to jail; he had to be assisted into the carriage; when there in the carriage, the first thing he said was, "why don't they ask Littlefield, he can explain this." When he got down to jail he was much agitated, and said, "Oh, my poor family, what will they say because I don't come home?" I said, "I am sorry for, and pity you." He said, "you are sorry for, and pity me—what for?" I said, "to see you so much agitated." He replied, "Oh, that's it." On the next morning he was somewhat calmer; he sat up, and as we mentioned the fact of the body having been found at the College, he said, "it is no more Dr. P.'s body than it is mine; I don't know how in the world it came there." He afterwards said, "I never liked the looks of Littlefield, the Janitor; I opposed his coming there all I could."

Here a letter from Prof. W. to his daughter Mary Ann, which was retained by the Jailor, on account of the directions it contained to Mrs. W., was read in Court. It was as follows:

BOSTON, Monday Evening.

"*My Dearest Mary Ann*:—I wrote Mamma yesterday, and Mr. C., who was here this morning, told me he had sent it out. I had a good sleep last night, and dreamt of you all. I got my clothes off for the first time, and awoke in the morning quite hungry. It was a long time before my first breakfast from Parker's came, and it relished, I can assure you. At one o'clock I was notified that I must appear at the Court-room. All was arranged with great regard to my comfort and avoidance of publicity, and this first ceremony went off better than I anticipated. On my return I had a bit of turkey and rice from Parker's. They send much more than I can eat—and I have directed the steward to distribute the surplus to any poor ones here. If you will send me a small canister of tea, I can make my own,—a little pepper I may want some day; you can put it up to come with some bundle. I would send the dirty clothes but they were taken to dry, and have not been returned. I send a kind note I received to-day, from Mr. Curtis. Professors Pierce and Horsford called to-day. Half a dozen Rochelle powders I should like. Tell Mamma not to open the little bundle I gave her the other day, but to keep it just as she received it. Hope you will soon be cheered by receipt of letters from Fayal. With many kisses to you all, good night. From your affectionate father. My tongue troubles me yet very much, and I must have bitten it in my distress the other night. It is painful and swollen, affecting my speech somewhat. Had Mamma better send for Nancy? I think so, or Aunt Amelia. Couple of colored neckerchiefs, one mattrass."

Cross-examined.—I retained the letter because of the clause in the letter directing Mrs. W. to keep the little bundle of papers, just as she received it, and not to open it.

Sixtieth Witness.—ELI C. KINGSLEY called.—Am postmaster of East Cambridge; have seen the letter now exhibited before; [Here a letter was exhibited.] It was put in my office, and bore the post-mark Nov. 30th, and was directed to Mr. Tukey, Boston; I brought it to Boston, and

gave it to Marshal Tukey; it must have been dropped into the post-office between 10 and 20 minutes past 10 o'clock, A. M.

Cross-examination declined.

Marshal Tukey recalled—These three letters now exhibited were received by me before Prof. W.'s arrest.

The letters were here given to Marshal T. to read; and Mr. Clifford rose and said, that the Government now intended to put in as evidence the letters addressed to Marshal Tukey, together with those parts of the handwriting of the documents already put in, which was acknowledged to be the handwriting of Prof. W., in order to prove that those letters were written by Prof. W. These letters were not read, as the Court adjourned at this moment until 9 o'clock to-morrow, A. M.

EIGHTH DAY.

The Jury entered at nine o'clock precisely. The Court being engaged in consultation upon the nature of the evidence to be adduced to support the allegation against the Professor, of being the writer of the letters sent through the Post-Office to Marshal Tukey, did not enter until five minutes before 10 o'clock. The names of the Jury were called, and the proceedings commenced.

Sixty-first witness.—Nathaniel B. Gould, called. Am not personally acquainted with the defendant, but know him by sight, however; seen him write, but have seen writing supposed to be his; have seen his signature on diplomas as Prof. of Chemistry; have always paid much attention to penmanship from my youth; have taught it and written a book on the subject.

Here the letters sent to Marshal Tukey were produced and exhibited to the witness as an adept.

To this testimony the defense urged very strong objections, on the ground that the law had always designated such evidence as weak, and that, too, when the genuine hand-writing of a person was exhibited and acknowledged in order to test its resemblance to certain other forged writings of the same person. Counsel for the defense contended that such testimony did not come within the principles of the law, as laid down in the case of Moody vs. Rawlins.

The Attorney General contended on the other hand, that the testimony which he intended to introduce in the case, was strictly in accordance with the principles of law, and recognized in a late case in England, and supported by Espirasse that the same principles had been admitted in the late case of George Miller for forgery.

Judge Merrick, senior counsel for defense, contended on the other side that the cases granted, differed from the present one, inasmuch as the attempt was made to compare the hand-writing supposed to be Prof. W.'s, with other hand-writing, also supposed to be Prof. W.'s.

The Attorney General remarked that he thought that the Counsel for the defense urged their objections against one letter only; that letter was one which the Government would prove, what every one could see at once, that it was not written by a pen, but by an instrument which would be produced; alluding to the pen made of reed and picked up in the laboratory, by Littlefield.

The Court ruled that the evidence was consistent, as contended by the Government.

Examination of Mr. Gould resumed.—From my knowledge of the hand-writing of Prof. Webster, I should think the letter signed "Civis," dated Nov. 21, and post-marked Nov. 30, which is now exhibited, was his.

The witness stated that he didn't know as he should be allowed to state the entire ground which he should take in explaining why he thought the hand-writing of the "Civis" letter was that of Prof. W.

The defense contended that the evidence to be given by the witness was incompetent, but the Court ruled that the testimony was competent, and the witness proceeded. I have not yet satisfied myself in a long series of years of teaching, that a person can make two letters of the same kind exactly alike; I have been accustomed to seeing different hands written individually by many persons, yet there is always a similarity in certain letters which enables me to recognize at once who wrote them.

In this letter [the "Civis" letter] I find that the letters "a" small, and "r" small, are made entirely different from those made by Prof. W.; in his ordinary hand-writing the character "&" was also used, instead of the word "and;" the rest of the letter does not differ essentially from his common hand.

This was objected to by the defense on the ground that as the witness had seen only the signature of Prof. W. he could not tell what the common writing of the defendant was.

[Here the Government Counsel exhibited to the witness several papers containing the hand-writing known and acknowledged to be that of Prof. W.]

Examination resumed.—I observed a similarity to Prof. W.'s hand-writing; in the capital letter "I" which can hardly be mistaken; the large letters "P," "D," are also made like those in the letters and documents of Prof. W.; the figures "1, 3, 4, 9," the letter "f," small, and the words "November," "from," "Boston," and several others, are exactly alike in the Civis letter.

"I have perfect confidence in the judgment formed in my own mind, that this Civis letter was written by Prof. W. The letter dated 26th Nov. and signed "Captain of the Dart," or "the chap in the dark", was now exhibited to witness, who proceeded. In this letter, although the

letters are entirely different from those usually made by Prof. W., yet I believe they were written by him.

In the direction " Francis Tukey;" the letter " F." bears a great resemblance in its parts to those made by Prof. W.

[Here the Court remarked that it was about as well to pass over these minute particulars.]

Here the reed pen and plate of ink found on the bench in the laboratory, were exhibited to the Jury and to the witness, and his opinion was asked as to the erasure of the name of Marshal Tukey inside the envelope of the " Chap in the dark " letter. This question and the opinion of witness was objected to by the defense and ruled out by the Court.

The letter supposed to be written entirely by the reed pen, and dated Nov. 30, was exhibited to witness, who recognized peculiarities in almost every letter, which induced him to form the opinion that the letter was written by Prof. W.

Witness proceeded—I know that this letter could not have been made by a pen or brush; neither of them could have been made with marks; these have been shown me as instruments, which I think was used to make these letters with.

Objected to by defense, and ruled by the Bench to be entirely incompetent and inadmissible.

The mortgage notes were exhibited to the witness, and he expressed his opinion that the handwriting of the word " paid," in them, was that of P. W.

Examination continued—The letters and words found in pencil-mark on the notes and the memorandum, are in the hand-writing of the prisoner; the erasure of the signatures on the notes, and the marks made across them, could not have been made by a pen.

Cross-examination—I have seen the papers now exhibited, before; have seen other anonymous letters sent to Marshal Tukey by the Post-office; the chirography of the " Civis" letter is not disguised from my view; the letters are a little rounder than is customary in Prof. W.'s hand-writing; can't tell whether it is disguised; my skill in detecting disguised instruments extends over the whole instrument; I can't say that it (the writing of the Civis letter) is intended to be a disguised hand; there are three letters in this " Civis" letter which are dissimilar from Professor Webster's ordinary hand-writing; the rest are in the ordinary hand-writing; I mean to say that in all except a few cases, the hand-writing just looks like Prof. W.'s handwriting; can't say that the letters which are dissimilar to Prof. W.'s chirography in the " Civis" letter are not exactly alike all through; some persons make letters very much alike. In the letter " D" the Professor generally turns the upper line over, but in this letter it is different from his ordinary hand-writing; the same difference is observable between the ordinary hand-writing of Prof. W.; and that of the " Civis" letter in the letters " A" " R," and the character " &;" don't pretend to tell whether a hand-writing is disguised or not, unless I have the real hand-writing of the person who disguises his hand to compare it with. I have compared the hand-writing of these letters with that of several persons; I expressed the opinion when I first saw this " Civis" letter, that it was in the hand-writing of Prof. Webster; afterwards said it differed somewhat from it, and after that came to the conclusion that it was the hand-writing of Prof. W. In the letter signed " Dart" or " Dark," there are several letters which bear a strong resemblance to Prof. W.'s hand-writing; the letter is evidently written in a disguised hand; it was not written with a pen; there is a similarity between whole words in the letter.

To the Court.—I have the opinion that the " Dart" letter written with a so-called reed pen, (which is actually a piece of pine stick with cotton cloth tied round the end to form a brush,) was written by one and the same hand, because it resembles in its general characteristic the letters which were written with a pen.

Sixty-second Witness.—George G. Smith, called—Am an engraver; have known Professor Webster several years; have seen his handwriting often in the course of business; have seen his signature on diplomas and on notes; as an engraver I have been obliged to take particular notice of the hand-writing of individuals in order to make accurate fac similes.

Here the letters signed " Civis" and the other letters put in and to be put in as evidence, were exhibited to the witness.

Examination resumed—Am sorry to say that I feel confident that the hand-writing of the " Civis" letter is that of Professor Webster; of the " Dart" or " Dark" letter I am not so confident; think the erasure of the direction on the inside of the envelope directed to Marshal Tukey, might have been made partly by drawing a finger across the writing; I think I can detect the marks of a fibrous substance in the letters of the " Dart" or " Dark" letter.

The Court ruled this testimony as incompetent.

Had examined a good many specimens of Professor W's hand-writing.

Cross-examined—Don't think the writing of the " Dark" or " Dart" letter in the marks across the mortgage notes was written with any ordinary pen; it is possible it might be done with an old quill pen; you can see the fibrous marks by looking through a magnifying glass.

Here a glass was produced by witness.

The fibrous mark might have been made by cotton-wool being in the ink, and adhering to the pen at the time; in the " Civis" letter, the letters " A," " D," and the character " &," are very similar to those generally made by Professor Webster in his ordinary handwriting, and there is one character of the " &" that appears to have been commenced the usual way, and afterwards altered. There is an air of identity about the whole letter which impresses the conviction on my mind that this letter was written by Professor Webster himself; I think that the letter is written in a partly disguised hand; some of the letters appear genuine; the letter " D" appears the most natural of all the letters; there is an appearance of identity and appearance of dis-

guise blended in the " Civis" letter ; I cannot describe the whole of the points of resemblance observed by me in these letters and the writing known to be that of Professor Webster's without sitting down and looking at my notes.

The letters were then read by Mr. Bemis, junior counsel for the Government. We give them verbatim :

Directed to Mr. Tukey, City Marshal.

(VERBATIM COPY.)

BOSTON, Nov. 31st, 1849.

" MR. TUKEY—*Dear Sir* :—I have been considerably interested in the recent affair of Dr. Parkman, and I think I can recommend means, the adoption of which may result in bringing to light some of the mysteries connected with the disappearance of the fore-mentioned gentleman. In the first place, in regard to the searching houses—and I would recommend that particular attention be paid to the appearance of cellar-doors—do they present the appearance of having been freshly covered by the piling of wood ? Have the houses and necessaries being carefully examined ? Probably his body was cut up into small pieces and placed in a stout bag, and thrown into the river from Craigie's Bridge, and I would recommend the firing of cannon from some of these bridges, and various parts of the harbor and river, in order to cause the body to rise to the surface of the water. This, I think, would be the last resource, and it should be done effectually, and I recommend that the cellars of the houses in East Cambridge be examined.

Yours respectfully,

CIVIS."

Postmarked, " Boston, November 24th"—directed to " Francis Tukey, City Marshal"—the envelope also contained the name of Francis Tukey inside.

VERBATIM COPY.

" DEAR SIR—You will find Dr. Parkman murdered on Brooklyn Hights.

Your's truly,

" CAPTAIN OF THE DART."

The following is a verbatim copy of the letter deposited in the Cambridge Post Offie, and brought by Mr. Kingsley, Postmaster, to Marshal Tukey :

" Dr. Parkman was took on board the ship Herman, and this is al I dare to say or I shall be kilid. Est Cambridge one of a men giv me his watch but I was feared to keep it and throwed it in the water right side the road to the long bridge to Boston.

Verbatim Report of the Argument of Counsel touching the Recognition of the Handwriting of the Letters.

Mr. Sohier objected to the line of direct examination by the prosecution in endeavoring to show, through Mr. Gould that the hand-writing in some of the letters submitted to him was that of the prisoner's in disguise.

COURT. The Court are of opinion that this testimony is admissible.

Mr. Sohier. This, your honor, is a kind of testimony not admissible, we submit, at all. The position assumed by counsel at the opposite side, is that a genuine hand-writing may be given in evidence to compare with other hand-writing, in order to prove the same ; it is admitted to be similar hand-writing, but that proves it to be the hand-writing of nobody. What they now want to prove, is that this writing was the hand-writing of Dr. Webster, by comparing it with other hand-writing ; that would be the extent of it, and no more. Counsel here cited authority in support of his position, contending that this kind of evidence was inadmissible.

Attorney General. We think, your honor, that counsel misapprehend us. We do offer to prove that this is in the hand-writing of Dr. W., and written in the same manner in which he was accustomed to write; now in order to prove this, we offer certain documents here, which we say are in the hand-writing of Dr. Webster, and we show it by the similarity of his hand-writing, to be the same. When we undertake to show that a man has attempted to disguise his own hand-writing, this description of testimony, it cannot be contended, is admissible. If a man is setting down to attempt to assimilate the hand-writing of another, he has two processes by which to assimilate in his own mind. Now, upon which of these two propositions will the testimony of an Expert bear ? An Expert says, "I am acquainted with the hand-writing of the defendant; he has attempted to disguise it. I am satisfied that this must be written by him." And I understand that in undertaking to introduce the testimony of an Expert, he may take the stand and prove whether certain hand-writing was disguised or not. It is not competent, then, for such a witness to explain the peculiarities of certain characters. Counsel here cited authority in support of his position.

Mr. Merrick. The only question competent for them to prove is, whether this is the natural hand-writing of the defendant or not, and that is all. It is not contended or suggested by the government, that these papers can be put forth as the hand-writing of Prof. W. The proposition is, that an Expert may take these papers, and from them show whether they are in the hand-writing of Dr. Webster, by tracing the form of a particular letter or character, to see if they would correspond with his general hand-writing. This was the entire extent of the rule intended by the Court to apply to this kind of testimony.

Attorney General---I find my friends at the other side misapprehend me, from the application of their remarks. We expect to show in relation to this document, (a letter which counsel produced) that it was not written with a pen. It could not have been written by such an instrument, but only by this, (showing a brush which was found in the rooms of Dr. Webster.)

The Court, after a brief consultation, ruled in the testimony of the witness. [See p. 48.]

Sixty-third Witness—DR. FISHER M. BOSWORTH, called.—Am a resident of Grafton, Worcester county; knew Dr. George Parkman, and am acquainted with Prof. W.; I attended lectures at the Medical College, in 1849; was in Boston on Friday, the 23d of November, 1849; went to the Medical College to meet a student; went there at half-past one or two o'clock; I went into the College from the east side, and found that the lectures were going on at the time, and

not desiring to disturb them, turned round to come out, and saw Dr. P. coming up the stairs, toward the laboratories; I recognized him and passed out of the College, up to Court street; at three o'clock, P. M., I returned to the College, to see the student named Coffran; I met Mr. Littlefield at the door, and asked him if he knew a student, of the name of Coffran; he said he was in the dissecting room; I told him to go and call him; he, Littlefield, replied that he was by himself, and that as I knew where the dissecting room was to go up myself; went up and saw Coffran; did some business with him and afterward left the College; went to South Boston and stopped at the house of my brother-in-law, Rev. Mr. Bosworth; I went to the College to pay Coffran some money I had borrowed of him a short time before; saw an account of the disappearance of Dr. P. the next day, Saturday, in a paper I purchased at the rail-road depot, where I was with the intention of going home that day; I was first warned that my attendance was required here as a witness in this case, yesterday forenoon, at eleven o'clock, while at Grafton. Cross-examination of this witness declined.

At this point the Attorney General rose and said that the Prosecution had put in all the evidence in the case which the Government had been able to procure, and he proposed, as prosecuting officer, to rest the case there; but as it was possible that more evidence might be procured for the Government, he would claim the indulgence of the Court to be allowed to introduce further testimony if any should turn up.

The Court here adjourned till 3½ o'clock.

OPENING ARGUMENT FOR THE DEFENCE.

At 20 minutes before 4 o'clock, E. D. Sohier, Esq., junior counsel, commenced the closing argument for the defence, with fifteen volumes of law drawn up in formidable array on the table before him.

Upon rising to address the jury, he said it was usual, and perhaps considered imperative, in cases like the present, for counsel to call their attention to the situation of the client; but he should not do this. He could not do it. He would not trust himself to permit his attention to wander from the cause to the party—from the record to the dock. There he should see one whom he had known from youth; who was known to many within the court room; one who, for a quarter of a century was a respected professor of the neighboring university, which was the pride of our commonwealth. There he should see such a man struggling for his life—struggling to avert infamy from himself and from his family. If he allowed himself to think of these things, he should wander from his case, and the task he had assigned himself. The task was to present the grounds of the defence, in doing which he should endeavor, though he was aware it would be at a great distance, to follow the footsteps of the learned attorney-general, and keep within the case, without regard to the accidental circumstances of the parties whose names would be most frequently mentioned. It must have been noticed from the outset that one great question to be discussed, was that of circumstantial evidence. Connected therewith, would arise the greater question of whether the life of Professor Webster shall be taken; and the question to be asked of the jury was, whether the jury would be found prepared to take it, unless it had been proved beyond a reasonable doubt that he had been guilty of one of the greatest offences known in the black record of crime.

The question was, whether he was to be restored to that family, of which he was the centre of the purest and holiest affections, even the object of their idolatry; or whether he should go forth to fall upon an ignominous tree; whether he should again make happy his own hearth-stone, surrounded by smiling faces; or that all those hopes should be turned to ashes. This was the question which the law devolved on the jury to determine. If they made an error, the prisoner and his family were to be offered upon the altar of error. But if they erred upon the other side, they would err in safety; no orphan's tears, no widow's groan would follow their judgment. In this, the position of the jury was more fortunate than that of the counsel. If the latter erred, it could only be in one direction. If they erred, nothing could save them from their own self-accusations, from their awful accountability to the family, or from the judgment of a scrutinizing and exacting profession.

He said, it would ill become them, by management or chicanery, to attempt to get a verdict in their case. It was not a case for the display of those qualities. It was their duty to bring forth prominently, and with whatever energy they could command, the principles of law involved in the case, and to press them upon the attention of the jury. And the duty of the jury was to hold themselves free to hear, and regard that law with all its fullness, and with all its distinctions and qualifications. The first principle that stood for the defence was, that it was the duty of the jury to regard themselves in the light of counsel for the defendant. They were to see that he had the benefit of every doubt; to see that he had the benefit of every view of the case favorable to him which could be taken. In the language of the oath they had taken, they literally had him in charge; his life in charge. They would commence the examination of this case by an examination of their own minds; they would dispossess themselves of everything like prejudice, if possible. This was asking much; more perhaps than a knowledge of human nature would justify the expectation of. But the jury would attempt it. But could they say they were really free from prejudice before they entered upon the case? It was hardly possible in the nature of things. But it was the defendant's right to have his case tried by unbiased minds. Nay more, at the present stage of the case, after eight days passed in taking testimony against him, the prisoner had a right to have them unprejudiced upon entering upon the consideration of such matters of law and fact, which he might present in his defence. He could hardly hope for that degree of freedom from prejudice which the law presumed. There was danger that it existed unperceived in the mind, and was silently pursuing its work, unconsciously to the person who was possessed with it.—Even if it existed in the vailed form in only one mind, there was danger of its affecting others. It would insensibly flow from mind to mind—fly from eye to eye, and manifest itself in the tone of voice and manner.

He could not believe that any one of the panel would be controlled by prejudice. All that was apprehended was the operation of a bias while considering facts which might not be presented promptly, but the oversight of which, or an erroneous judgment upon them, might be fatal. The excitement which the case originally produced, could not be forgotten by the counsel, nor its effects be disregarded at this critical juncture. Nothing could exceed the excitement when it was bruited about that Dr. Parkman had disappeared, and was probably murdered. It was an excitement honorable to Boston, but most damning for the defendant. Indignation was levelled against the Medical College, and against Professor Webster.

Having disposed of the matter of prejudice, he proceeded to give an outline of the course of the defence, First, the rules of law would be presented. Second, the indictment would be examined. Third, the nature of the evidence for the prosecution would be considered and sifted. Fourth, its complete insufficiency to make out any criminal charge when regarded under the principles of law applicable to all such cases. Fifth, the heads of the evidence which it was expected to produce for the defence.

First, the indictment charged the crime of murder, a charge which almost always also included that of manslaughter, for it generally left the nature of the act of homicide an open question. Therefore when a man was charged with murder, he was also in fact charged with the offence of manslaughter, and, though acquitted of the former, might be convicted of the latter, while being tried for the former. Under an indictment of murder, therefore, it became necessary to examine carefully the law in relation to murder and manslaughter and the dividing line between them. Murder was killing with malice prepense, or aforethought, expressed or implied by law. Express malice might be found in lying in wait to kill, or threats, or concerted schemes to do great bodily harm to the party killed. Implied malice under certain circumstances of using a weapon, without previous threats, or lying in wait, &c., was also distinguishable from that degree of homicide committed under the impulse of the heat of blood, produced by great and sudden provocation. The line was often a very nice one, and indeed sometimes faded away into shadows. But it was important to keep the line steadily in view, for death was on one side of it. It was not to be lost sight of in any step of the present trial. The idea of sudden and great provocation was to be kept constantly in view, carrying with it, to be sure, the qualification that the provocation must be a reasonable one—one calculated to produce heat of blood.

According to East, an assault without previous malice, or under circumstances of great indignity, as pulling the nose or the like, may be manslaughter, although a deadly weapon be used. Such was the case of Lemuel, who suddenly killed a man who struck his horse, and drove him from his path; also the case of Taylor, the soldier, who, after something of a fight in a tavern, had been violently put out after he had paid his reckoning. He instantly returned and killed one of the party with his sword. In these cases there was that sudden and violent provocation which reduced the killing to manslaughter, although weapons were used.

Words of reproach, or contemptuous sentences, would not be such provocation as would reduce a homicide to manslaughter, if a deadly weapon was used; but, if under such circumstances, death by misadvantage followed from a first blow or throw, then it would be manslaughter. The same was the case where there was a sudden combat; or where, in the course of a combat, a weapon should be drawn and used. In the present case, if it should appear that Webster killed Dr. Parkman, the further question would certainly arise, under what circumstances it was done? Whether with malice prepense or upon provocation. In the absence of all testimony on this point, the question would naturally, irresistibly arise. But before coming to that question, it must be made to appear that Dr. Parkman was killed in one of the modes alleged in the indictment. One of the four counts certainly could not be legally made out. The first sets forth the killing to have been done by a knife; the second by a hammer; and the third with blows, kicks, and throwing down. These allegations, as they all embraced the act of striking, were probably sufficiently descriptive to meet the law. But the fourth count charged the killing to be by means and in a manner unknown, and was contrary to the principle of the law that requires offences to be actually described.

First, then, the manner must be set out and be proved. In the present case the *striking* must be proved. The use of a knife, or hammer, or fists, or feet, or throwing down must be proved beyond a reasonable doubt. The jury must be able to say it was done in one of the modes, and not in either of the others. If the jury were not clear in which of the modes, they could render no verdict against the defendant. Were the jury sure from the evidence, that the killing was done with a knife? or with a hammer, or in the third mode of blows with the fists or feet? If not, how could they return a verdict under either count. Even if they should believe that the fatal deed was committed by Dr. Webster, they must be made judicially certain that it was done in one of the modes alleged in the first three counts. If done by poisoning, or strangling, then it was not done by either of the modes charged, and he could not be convicted at all. The mode was a fact to be proved as clearly as the homicide itself. Nothing less would answer. The government had put it there, and were bound by it. They could not go beyond it. The very fact that the government had charged the killing in so many ways proved almost that they did not expect to prove either. The fourth count in which no mode was alleged was entirely without authority in law or precedent, and the government had no right to insert it; and still less to ask a verdict upon it, in case they failed to establish either of the other counts.

The nearest case was that of Holt, in which the weapon was not stated, but the indictment contained an allegation of striking, which was a description of the mode. It therefore differed from the count under consideration, which set forth neither means nor manner of the killing. The jury were then thrown back on the three first counts, and one or the other must be proved. He would then name the first and second, alleging killing with a knife or hammer. Did the evidence prove beyond a reasonable doubt that the killing was by striking with a knife or hammer. As to the third, it would not be pretended there was any evidence of blows with fists, or the feet, or throwing down. Then the first two counts alone remained to be considered, viz: striking with weapons. The government had produced something which they regarded as evidence on this point. But did it raise a conclusion beyond all reasonable doubt. Was there a mind that could say the evidence reached anything like that point. Where would they find the evidence of the use of knife, or hammer, that comes up to that mark.

He would have them look at this matter of reasonable doubt. Who is to be proved against beyond that point? By a man who comes to speak a word in his own defence. The government shut him up, proclaims his guilt by a coroner's verdict, and then by the indictment of the grand jury, and silence him. Then he may be attacked by revengeful witnesses, or witnesses having their eyes upon some great reward; or by witnesses who are mistaken as to the identity of the prisoner, or the body of the party supposed to be killed.—To all this he can offer nothing but his previous character. And the government itself may prove, and generally does prove, that if committed at all by the defendant, it was done when no eye witnessed the deed.—Here opens the hold of circumstantial evidence. They produce no one who saw the deed committed. They do not allow the defendant to purge himself. They do not profess to present a certainty. They present a series of circumstances, from which they ask for a conclusion, that the murder was committed, and by the party charged. The danger of error is multiplied on that of positive proof in proportion to the number of facts relied on. Each fact or circumstance is a distinct issue, and there may be error in the evidence as to each. And then opens the ground for the grand error, in coming to an incorrect conclusion upon the whole

facts. The man who testifies to blood spots may be mistaken, or may lie, and the same as to any other facts. Here then is the opening for an accumulation of error. We are always drawing incorrect conclusions from circumstances, and great is the number of innocent persons who have fallen under such conclusions.

There was the case of the uncle convicted and executed for the murder of his niece. There the circumstances relied on were true. She was heard to cry out, "uncle don't kill me." She disappeared; was not seen after that night. Inquiry was made, and he procured another girl of similar appearance to personate her, and thus turn away suspicion. This was fraud, and was exposed, and an inference of guilt drawn from it. But in the course of time the niece returned, and it then appeared that she originally fled from her uncle to escape the chastisements he was in the habit of inflicting. So the rule of law is, that he who is found in possession of stolen property shall account for it; and under that rule an innocent man was executed. A thief who had stolen a horse and was pursued, asked a countryman whom he overtook on the road to take charge of it for him for a short time. He then fled, the owner came up, found the horse in possession of the countryman, had him arrested, and he was convicted by a false inference from circumstances. The expression is often used that circumstances cannot lie. This, so far from being true, is totally false as a general rule. In the original instance it was probably correct, and in consequence had arisen almost to the dignity of a proverb. But even if circumstances cannot lie, the witnesses who make them out may lie, or at least be mistaken.

Best, in his work on Presumptions of Law, comments on the dictum. He expresses surprise that juries should have been told from the bench, even in capital cases, that circumstances cannot lie, and that they might convict upon the violent presumption raised by them; but, says he, circumstances are not safe ground for presumption of guilt so long as witnesses or documents may lie. Circumstances do lie. They lied where a servant, by means of a false key, put some stolen articles in a fellow servant's trunk, and upon search they were found there, and the innocent servant was convicted. Then there was a murder fixed upon an innocent man who had a quarrel with another. His knife was found by the slain man, and the print of shoes going to and from the spot, and blood was found upon them. But yet, it subsequently appeared that the act was done by another, who used the other's knife and shoes, purposely intending to involve him in the suspicion, well knowing that a previous quarrel would clinch it. The circumstances were there, but yet the inference was fatally erroneous.

There was a tendency to exaggerate unimportant circumstances, both on the part of witnesses and jurors. There was both pride and vanity in wishing to be supposed capable of drawing shrewd and sagacious conclusions from isolated facts. Then again there were constant attempts to prove circumstances by circumstances. Here was danger upon danger. Weakness of proof upon weakness of proof. The court would no doubt call the attention of the jury to the danger, and instruct them in relation to it.

The first, the great rule of circumstantial evidence was this:—that every circumstance relied on, must in itself be proved, beyond a reasonable doubt; that is, after all the evidence is in, for and against, the jury must find each circumstance relied on, clearly proved beyond reasonable doubt. Thus, in the present trial, the government had undertaken to anchor their case by a chain of circumstances; but if one link breaks, the case falls. The circumstances proved must establish to a moral certainty the fact intended to be proved. They must not only be proved beyond reasonable doubt, but also the inference to be drawn from it, or the hypothesis to be established. They must not only support that hypothesis, but they must support no other. They must exclude any and all hypotheses. There was much danger of mistaking this position of the law.

Most of the errors of the law have arisen from disregarding or not intelligently applying the rule. They must be such as to exclude, to a moral certainty, every hypothesis other than that of the guilt of the accused. It is absolutely necessary to consider whether some other reasonable hypothesis may not be sustained by the circumstances. But before arriving at that question, it was necessary to be morally certain that none of the circumstances relied on had been fabricated, or otherwise insufficiently proved.

He had still another fatal case, where a false inference had been drawn from circumstances which were true. A girl was tried for the murder of her mistress. The killing was proved, and the question was by whom? The only person in the house that night was the servant girl, and it was clear that no one could have got access to the house by any of the doors or lower windows, or had left the house by them. The girl was convicted and executed, but it was subsequently proved that the house was entered by robbers, who committed the deed. The house was situated in a very narrow street, and by means of a board the robbers passed across from the upper window of the opposite building to a window in the house in which the murder was committed. Here the jury did not stop to consider, that notwithstanding the doors and windows below were closed, the house might still be entered in another manner. The circumstances did not exclude every other reasonable hypothesis but the one adopted.

There is, then, great danger in drawing absolute inferences even from circumstances proved beyond a doubt. The rule of absolute exclusion should be strictly applied to the case at the bar. The government had presented one great basis of circumstantial proof to surround the defendant and crush him by its weight. What were the jury called upon to determine upon the evidence presented? First, that Dr. Parkman had come to his death by violence. Second, that the defendant committed that violence. The first division of the inquiry was, what evidence was there of the death by violence? The government rely upon an established fact, that he went into the Medical College. That is admitted. But they go farther, and claim that because he was not seen to come out, and has not been found after the offer of rewards and diligent search, that he never did come out, but came to a violent death within its walls. The second division is, that because he was known to be there with Dr. Webster, the violence must have been committed by him. That is their inference. Here is a want of clear proof. It does not follow, that because he was not seen to come out, that he did not come out. This is one of those dangerous inferences which have proved so fatal in other cases. But they go to the identity of the body, which rests solely upon the identity of the teeth. But when it comes to be shown that there was no great peculiarity in the teeth, there will appear to be nothing great in that circumstance; nothing safe to act upon. And it will not be pretended that they have any other proof of identity. This is the view of the evidence as it now stands; but how will it be when rendered still more uncertain by evidence yet to be introduced?

Remember, the inference is not to be drawn until the evidence is all in; that for the defence as well as that for the government. Then will be the time to think of conclusion. Then will be the time to say that the circumstances are all proved, every one of them, and that they exclude every other hypothesis than that set up by the government. Perhaps it may be made to appear that the facts will be found quite as reconcilable with the hypothesis of his innocence, if not better than his guilt.

Mr. Sohier now proceeded with the heads under which he expected to introduce evidence. He said it was

not proposed in this stage to comment in detail on the government testimony. Nor did they propose to show how the remains came in and under the laboratory. They did not know. They could not explain it any more than the government could. They explained it by hypothesis and inference The defence had no other mode of explaining it. We have our hypothesis, he said, and they have theirs. We can produce no direct proof of the interview between Dr. Parkman and the defendant. The whole case goes on the ground that it was an unwitnessed interview. Our evidence, like theirs, will be circumstantial and may control theirs. Our circumstances must be considered with theirs. The jury must take the whole—not a part.

We shall produce evidence of his character which must weigh in a doubtful case of merely circumstantial testimony. Whenever a man is oppressed by doubtful appearances, the law says, his good character shall weigh in his favor. In cases of positive testimony, character is less thought of. A positive case can only be made out by the perjury of a witness or witnesses, which is supposed to be more rare than the commission of an offence by a person whose character had previously stood fair. But character must weigh where there is danger from the resentment of witnesses, or where there exists the disturbing influence of a prospective reward, although there may be no intent to commit perjury, and no ground for assuming such intent. They may give a stronger color and consistency to circumstances in the minds of witnesses than they would otherwise possess, and character should weigh much against circumstances so proved and exaggerated.

The charge is that he has committed a violent and most cruel and inhuman act; but when his character should be shown, the jury would see whether he would be likely to commit such an act. It would be shown that his demeanor and course of life that week was not compatible with the idea that he had committed such a deed. The circumstance of keeping his rooms closed would be entirely neutralized by proof, that it had been his habit for years to pursue his operations in secrecy, by night and by day, in the Medical College, and in his laboratory at Cambridge. The reason for closing his door had already pretty distinctly appeared.

We shall, said he, have some evidence tending to show that Dr. Parkman did come out of that college. This fact may have nothing to do with the identity of the body; but it will relieve Dr. Webster of all accountability in relation to it, for there is no proof that they met afterwards either within or out of the college.

It would be shown when he left the college that evening, at rather an earlier hour than usual, and it would be shown how and where he passed the night. There would also be evidence of contradictions on the part of one or more of the government witnesses, which should have much weight in depriving the circumstances relied on of that full confidence which the nature of that species of testimony required before it can be made the basis of judicial action.

EVIDENCE FOR THE DEFENCE.

The defence now proceeded to call testimony in its own behalf.

First witness—John H. Blake, called.—Have known Prof. W. for 30 years; have lived near him in Cambridge for 17 years; never knew him to be guilty of any act of violence or cruelty. Cross-examination of this witness declined.

Second witness—Hon. J. G. Palfrey, called.—I went to live in Cambridge in 1821, and lived near Prof. W. 8 years; have known him since that time; he was a man of some temper, but of a good heart. Cross-examination of this witness declined.

Third witness—James C. Blake, called.—I have known Prof. W. for 25 years; was in his laboratory during the first year of my acquaintance with him; he was esteemed as a man of good feeling and principle; never heard of any act of violence or cruelty imputed to him. Cross-examination of this witness declined.

Fourth witness—Prof. James Walker, of Cambridge, called.—Have known Prof. W. since I resided in Cambridge; never heard any act of violence or cruelty imputed to him. Cross-examination of this witness declined.

Fifth witness—Francis Bowen, called—Have known Prof. W. 20 years; he has the reputation of being a timid, but hasty and irritable man; never heard any act of violence or cruelty imputed to him. Cross-examination of this witness declined.

Sixth witness—Joseph Lovering, called.—Have known the accused 20 years; always been esteemed as a man of principle; never knew any act of violence or cruelty imputed to him. Cross-examination of this witness declined.

Seventh witness—George P. Sanger, called.—I reside in Charlestown; have known Prof. W. 12 years; he is universally esteemed as a good man; never knew any act of cruelty or violence imputed to him. Cross-examination declined.

Eighth witness—Rev. Dr. Converse Francis, called.—Have known Prof. W. 8 years; never heard anything against the Prof.; never heard any act of violence or cruelty imputed to him. Cross-examination of this witness declined.

Ninth witness—Abel Willard, called.—Have known Prof. W. several years; am 45 years old; the reputation of Prof. W. has always been good. Cross-examination declined.

Tenth witness—John Chamberland.—I reside in ———; have known Prof. W. for 20 years; he has always had a high reputation as a peaceable, humane, and good man; never heard any acts of violence or cruelty imputed to him. Cross-examination of this witness declined.

Eleventh witness—Joel Giles, Esq., called and sworn.—Am a lawyer by profession; have known Prof. W. since 1835; he has always borne the reputation of being a good and humane man; never heard any acts of cruelty imputed to him. Cross-examination of this witness declined.

Twelfth witness—William Hastings, called.—I reside in Medford; have been a merchant; known Prof. W. since 1825; lived in Cambridge at that time; sold him some land in Cambridge in 1834; never heard of any act of cruelty or violence imputed to him. Cross-examination of this witness declined.

Thirteenth witness—John R. Fulton, called.—Reside in Cambridge; am a painter by occupation; have known Prof. W. for 14 years; he has always had the reputation of being a quiet, peaceable, and humane man; never heard any act of violence or cruelty imputed to him.

Cross-examined.—Never saw him commit any act of cruelty or inhumanity; never heard that he was a petulant and irritable man; I remember the decoration of the Hall in Cambridge, and of Prof. W. being ordered to desist; did not see him manifest any irritation on that occasion; never heard that he did so.

Fourteenth witness—James B. Greene called.—I reside in Cambridge; am acquainted with Prof. W.;

have known him for 15 or 20 years; he has the reputation of being a man of principle and goodness, as far as I know him. Cross-examination declined.

Fifteenth witness— ——— HALLETT, called and sworn.—I resided in Cambridge 25 years; have known Prof. W. several years; never knew any act of violence or cruelty imputed to him. Cross-examination declined.

Sixteenth witness—DANIEL TREADWELL, called.—Reside in Cambridge; have known Prof. W. many years; his reputation has always been that of a quiet and respectable man, somewhat irritable, but still humane and harmless.

The Court here adjourned until 9 o'clock, A. M., to-morrow.

NINTH DAY.

The Jury came in at five minutes before 9 o'clock, and the Court followed at five minutes past 9 o'clock.

The proceedings commenced—

Seventeenth witness—NATHANIEL BOWDITCH, sworn.—Reside in Boston; have known Prof. W. for seven years; never heard anything against his being of a humane and correct disposition; he has the reputation of being an irritable man, but nevertheless a kind one.

Cross-examination of this witness declined.

Eighteenth witness—J. B. HAYES, sworn.—Have known Prof. W. several years; he has the reputation of being a kind and humane man; he is nervous, but not a passionate man.

Cross-examination of this witness declined.

Nineteenth witness—JAMES CAVANAGH.—I reside in Worcester; have known the prisoner for eight years; he has the reputation of being a kind and humane man; somewhat hasty, but not violent.

Cross-examination declined.

Twentieth witness—ABRAHAM EDWARDS, City Marshal of Cambridge, sworn.—I reside in Cambridge, and have known the prisoner several years; he has the reputation of being a kind and humane man.

Cross-examination declined.

Twenty-first witness—PELEG CHANDLER, Esq., sworn.—Have known Prof. W. about twelve years; he has the reputation of being a good and humane man; he is deficient in energy of character and somewhat irritable. Cross-examination declined.

Twenty-second witness—Mr. MORRILL WYMAN, sworn.—Have known Prof. W. for twelve years; he has the reputation of being a kind and humane man.

Cross-examination declined.

Twenty-third witness—JARED SPARKS, President of Harvard College, sworn.—Have known Prof. W. about twelve years; he had the reputation of being a kind and humane man before his arrest.

Cross-examined.—Since his arrest have heard various rumors, which I did not credit, of his being a passionate man.

Twenty-fourth witness—CHARLES O. EATON, sworn.—I reside in Boston; have known Prof. W. three years; am a sign and ornamental painter; have done a good deal of work for Prof. W. during his lectures; Prof. W. always told me when I wanted to get into his laboratory, to come round to his private room door; have often been there and found all the doors locked, while Prof. W. was in; know that he was in, because the doors were bolted on the inside, and besides, Mr. Littlefield, the janitor, told me he was in. I was at the college to see Prof. W. on the 12th November, 1849; was told by the janitor that I could not see Prof. W., because he was busily engaged; showed him a letter from Prof. W., and was let in; found all the doors of the laboratory locked.

Cross-examined.—Was at the college in the summer of 1849; used to paint diagrams for Prof. W.; don't know what time the lectures end in the summer; used to prepare diagrams during the summer for the fall course of lectures; was an apprentice to T. C. Savory; have been in business for myself since October, 1848; went oftener to work for Prof. W. while I was an apprentice than when I was in business for myself. Have been in the college sometimes as often as three or four times a week; don't remember of seeing a notice in the janitor's box concerning the commencement of the lectures; don't know precisely at what time during the summer or spring the lectures terminate; think that I went to the college in the summer season, because I saw the windows down. I went to the college in summer to get my money collected; one bill in June and one in July; had orders for work during the course of lectures beginning in November last, which orders have not been filled.

Direct resumed.—Don't know, except by the painting of the diagrams, at what time the lectures commenced or ended.

Twenty-fifth witness—ROBERT C. APTHORP, sworn.—Reside in Boston; have been intimately acquainted with Prof. W. for six years; his reputation is good as a kind and humane man.

Cross-examination declined.

Twenty-sixth witness—SAMUEL S. GREENE, sworn.—Have resided in Cambridge forty years; on Saturday, 25th Nov., 1849, I told the City Marshal that the toll-man had seen Dr. Parkman pass the office late on Friday afternoon; I was at the toll-house on Sunday evening when Littlefield, the janitor, came over there. I understood him to say that Prof. W. had paid Dr. P. $470 on the afternoon of his disappearance; understood Littlefield to say that he saw Dr. P. go out of the college on the Friday afternoon; I was sitting back in my chair at the time.

Cross-examined.—I think Mr. Edward Whiting was present during the conversation of Littlefield; there was also a man who looked like a policeman; I understood L. to say that he saw the money paid to Dr. Parkman, and that it was $480; a mistake in saying $470; don't know whether it was L. or not who was at the toll-house on Sunday. The man who carried on the conversation said he was connected with the institution; don't remember where he saw the money paid; I suppose that he must have seen the money paid in the college; didn't understand Littlefield to say that Prof. W. had told him that he (W.) had paid him (P.) $480.

Twenty-seventh witness—Judge S. P. P. FAY, sworn.—I reside in Cambridge; have known the prisoner for fifteen years; he has always sustained the reputation of being a kind and humane man; never heard

anything against him before his arrest; he is a very nervous man; I remember the day of Dr. Parkman's disappearance. I saw Prof. W. on the evening of Friday, the 23d Nov., 1849, at about 9 o'clock, at the house of Mr. Treadwell, in Cambridge, where I had called in; I noticed nothing in the peculiar behavior of Prof. W. on that occasion; the conversation turned upon scientific subjects; think that Dr. Morrill Wyman was there; saw Prof. W. two or three times during the next week; was there I think on Sunday evening, to inquire for news of Dr. P., as the Professor was much in the city. I supposed he would have all the news on the subject of the disappearance of Dr. P.; I spent three or four hours at Prof. W.'s house on the Monday evening next succeeding the disappearance of Dr. P.; was invited to sit down and play whist with Prof. W. and his wife and daughter, which I did. I was at Prof. W.'s house on two evenings, on Sunday and Monday, or Monday and Tuesday; don't recollect exactly which.

Cross-examination of this witness declined.

Twenty-eighth witness—JOSEPH KIDDER, sworn.—Am a druggist in Court-street; am acquainted with Prof. Webster; remember distinctly the day of the disappearance of Dr. Parkman. Prof. Webster called at my shop a littie before 5 o'clock on that afternoon; it was before lamp-light.

Cross-examined---He came to purchase a box or six bottles of cologne; he stayed but a few moments; he took the box away with him; I have referred to the bill of sale of the cologne, and find it dated 23d Nov., 1849.

Twenty-ninth witness—MARY ANN WEBSTER, daughter of the accused, sworn.—Am the daughter of the prisoner; have endeavored to call to mind the conduct of my father during the week before his arrest; on Friday, the 23d November, my father came home about five minutes before 6 o'clock P.M. He drank tea at home, and remained at home until 8 o'clock, and then went to a neighbor's house with us, where we remained until past 12 o'clock; I mean by us, my sister and mother; my father and mother did not go into the neighbor's house, but went off together; my sisters and myself returned to the house at half-past twelve o'clock at night; my father came to the door and let us in; he went up to bed at one o'clock. I saw my father on Saturday, the day after the disappearance of Dr. P.; he took dinner at home that day; I was not at home in the afternoon of that day, but came home to tea, and saw my father there; he was at home all that evening; we passed it in reading together; he read to me. The first time I saw my father on the succeeding day (Sunday) was at church in the College chapel; he attended church the whole of the forenoon; we had dinner that day earlier than usual, in order that my father might go to Boston; he said he was going into the city to inform the Parkman family that he had paid Dr. P. some money the day of the doctor's disappearance. Don t recollect whether I saw him again on that day; my father came home just at dinner-time on Monday afternoon; he was not at home in the whole afternoon; I was not at home, likewise, during the whole afternoon. My father came home just at tea-time on that evening, and remained at home. I went to bed that evening at ten o'clock, and when I went to bed my father was still at home. On Tuesday my father was at home at dinner, and remained at home during the evening: we had a whist party, and there was a fire in the direction of Porter's Hotel; we played whist among ourselves that evening. Did not have company; my father usually breakfasts at home; father was at home on Wednesday; he came into the dining-room at about 11 o'clock A.M., where I was reading. He went out into the garden and pruned the grape vines, and remained until dinner-time; he went away after dinner, and returned at twenty-minutes past 6 to tea; that night we went to Mrs. Cunningham's to a party, and did not return until 10½ o'clock P.M. I left my father sitting up when I retired to bed; he was in his dressing-room reading a paper; he was at home Thanksgiving-day, Thursday, all day, as far as I know. He spent the morning in the garden; he was also at home on Friday, the 30th Nov.; he was at home at dinner, and all the evening until about 10 o'clock; I have a sister married at Fayal. We keep up a constant intercourse, and I keep a journal of events to inform my sister of in correspondence; my father often sends things to Fayal, such as plants, &c. They are sent in air-tight boxes; he has flowers often sent to him from Fayal; don't remember whether my father was preparing anything to send to Fayal at that time.

Cross-examination of this witness declined.

Thirtieth witness—HARRIET P. WEBSTER, daughter of the accused, sworn.—I saw my father on Friday evening, the 23d November, 1849, between 5½ and 6 o'clock; I went with my sisters to a party at Mr. Treadwell's and did not return until 12½ o'clock; he came to the door and let us in; I saw him in about an hour afterwards; he went up to bed before I did; saw him home on Saturday at 1 o'clock; he spent the afternoon at home; he went out for half an hour, and returned with a book; he remained at home all that evening; he read to us from a book the first part of the evening; a Miss Hodges was at the house that evening; don't remember seeing him at breakfast on Sunday; he was at church with us in the forenoon; he went to Boston in the afternoon; think I retired at ten o'clock on that evening; I left my father still up; saw my father again on Monday at tea-time; there was some company at the house on that evening; I retired very early in the evening, and my father was still sitting up; on Tuesday I saw him at tea-time, and he spent the evening at home, reading; saw him at breakfast Wednesday, and at tea; in the evening he went with my sisters to Mrs. Cunningham's party, in Boston; I had retired before they came home, and did not see my father till next day (Thursday), Thanksgiving-day; he remained at home all the day; on Friday, the 30th of November, my father was at home, at breakfast, tea, and during the greater part of the evening; on the day after his arrest, a number of articles were sent out from the laboratory to Cambridge; there was a cap, pair of overalls, pair of pantaloons, and coat.

Cross-examination of this witness declined.

Thirty-first witness—ANN FINNIGAN called.—Live in the family of Prof. W.; went there on the 16th of Nov., 1849; we breakfasted at that time at from half past 7 to 8 o'clock; we dined at 2 o'clock; on Wednesday, the 28th of Nov., he breakfasted earlier than usual, and came home at 12 o'clock; I thought it was 2 o'clock on seeing him come in, and so looked at the clock and found it to be only 12; after he came in, he took a key and went into the garden; he breakfasted at home every morning from the time I went there until the morning after he was arrested.

Cross-examination declined.

Thirty-second witness—CATHERINE P. WEBSTER, daughter of the accused, sworn.—On Friday afternoon, the 23d November, 1849, I saw my father at home between 5½ and 6 o'clock; he spent the evening at home; he had retired before I went to bed that night; on the next Wednesday I did not see him at breakfast, but saw him a short time afterwards; he was at home at the usual dinner hour; that evening the family came to Boston and went to Mrs. Cunningham's party; we came down to the toll-house to wait for the omnibus; while at the toll-house my sister saw the notice offering a reward for the recovery of Dr. P.; she pointed it out to us, and my father read it aloud; on Sunday, the 25th, my father was at home in the morn-

ing and went to church; he expressed his intention of going to Boston to see the Parkman family; I heard his voice in the house soon after dark, and saw him in his study between 9 and 10 o'clock.

Cross-examination of this witness declined.

Thirty-third witness—Dr. WINSLOW LEWIS, called by the defense.—Have been acquainted with the prisoner for thirteen years; he has always sustained the reputation of being a man of kindly feelings; when he had his laboratory in Mason street, I never could get into it without knocking.

Question. Did you examine the cut between the ribs?

Objected to by the Government, on the ground that the defense was reiterated on the cross-examination of the witness.

Defense contended that the examination of this witness, in order to test the testimony of Dr. Strong on this point, was competent, and it was ruled to be so by the Court.

Answer.—I examined the cut in the ribs, and think it was anything but a clean cut; can't tell whether it was made before or after death; can't tell whether the bones were broken before or after death; I saw Dr. Strong at the Medical College, after my examination of the soft part of the remains found, had been made; they had evidently been soaked in water.

Cross-examined.—Have not the experience in osteology that Dr. Jeffries Wyman has; the parts around the cut, hole, or stab in the thorax, would not retain the tensity in death that this had in life.

Thirty-fourth witness—Dr GEO. H. GAY, sworn by the defense.—Saw Dr. King at the Medical College on Monday; the hole in the chest was ragged; a clear cut can be made before or after death; it was a question among us whether the hole had not been made with a stick; the parts found in the privy appeared somewhat mascerated.

Cross-examination of this witness declined.

Thirty-fifth witness—Dr. O. W. HOLMES, called by the defense.—There are two opinions as to the nature and quantity of blood in the human body; the average quantity of blood found in the human body is said to be twenty-seven or twenty-eight pounds; in an adult male the quantity is about thirty-four pounds, or near seventeen quarts; have tried experiments concerning the fracture of the bones; while partially calcined, they will break outwards and inwards, and in all manner of ways; shouldn't take the opinion of any man on a scientific subject if I was competent to make the experiment.

Cross-examination of this witness declined.

Thirty-sixth witness—E. S. HORSFORD, sworn.—Am an instructor in the University, at Cambridge; I instruct in Chemistry; it is a common thing for Chemists to have nitrate of copper in their laboratories; I have it always in mine; organic analysis is the process adopted to discover the constituent parts of organic bodies. The best thing to dissolve flesh and bone is potash, and next nitric acid; I have tried nitric acid on the largest bone of an ox; in four hours all but a few scales were dissolved; in five hours and twenty minutes the bones were entirely dissolved, and the liquid was perfectly clear; potash will dissolve more rapidly; I took the laboratories of Prof. Webster after his arrest; have never examined the gases arising from the anatomical vault; a chemist may have occasion to examine their matter; I sent out to Prof. Webster's house in Cambridge from the laboratory a few days after the arrest of the Professor some articles of clothing, pantaloons, overalls, coat and cap; have seen them since; I don't think there was any difference in the appearance then from what they were at first; there was no blood on them.

Cross-examined.—The clothes had been used by the policemen for pillows; there were four or five bottles of nitric acid in the laboratory store-room, containing about one gallon; should think that it would require more than the weight of a body in nitric acid to dissolve it; no noxious gas will arise from the dissolving of bone and flesh in nitric acid, unless the temperature of the acid is raised to that of boiling water; I have not paid any attention to the spots of nitrate of copper on the laboratory floor and staircase, because it is liable to be spilled about the floor at any time; I have lately tried an experiment in dissolving flesh and bone; had three or four pounds of bone and flesh, and used somewhat more than four pounds of nitric acid.

Direct resumed.—It would depend upon the thickness of a metal vessel whether it might be eaten up by the acid before the flesh and bone would dissolve.

Thirty-seventh witness—Dr. WM. T. G. MORTON, sworn.—Am a dentist in this city; have practised about eight years; manufacture the mineral that I use.

[Here the mineral teeth found in the furnace of the laboratory were exhibited to witness.]

I see no peculiarity about this block of teeth to distinguish them from any other block; the inner teeth have the appearance of having been ground; it is a very common thing to grind mineral teeth in this manner; they are ground on wheels from the size of four-pence to that of a dollar; I have used platinum springs in teeth myself, and have known others use them; the spring is inserted in holes usually made between the first cuspid and first molar.

[Here Dr. Keep's mold of Dr. P.'s jaw was exhibited to the witness.]

I don't see anything peculiar about the form of this jaw which would enable me to pick it out of a half dozen others laying together.

Here the witness exhibited a block of refuse teeth. This block of teeth fits the mold almost exactly—only wants one quarter of an inch more to make it fit perfectly. Here the witness produced and exhibited to the court several molds of human under jaws, and also several jaws of human beings, and showed that many of them had the same appearance which was said to be a peculiarity of Dr. P.'s jaw. The block of teeth found in the laboratory furnace was now exhibited to witness. There is something on this block of teeth which is not usual on mineral teeth; it looks as my teeth do when the muffler breaks and lets them fall into the fire. There has evidently been great heat applied to these teeth, and they may have been warped so as to fit the mold which I exhibit.

Cross-examined.—I knew Dr. P. while he was living; cannot say whether his lower jaw had any remarkable peculiarity; have seen other jaws which so much resembled Dr. P.'s that I could not tell which was his among these others; never saw a set of teeth made for one person that would fit the jaw of another person. I can tell the names of persons in this community whose jaws resemble Dr. P.'s, but do not like to divulge the names of my patients; think if I had manipulated and operated upon the jaw bone of a person while living, that I could not recognize the jaw of that person if it was shown me a great length of time afterwards.

Thirty-eighth witness—Prof. DANIEL TREADWELL, sworn.—I remember the evening of Friday, the 23d Nov., 1849; Prof. Webster and his wife called at my house at about half past 8 o'clock, and remained until half past 10 o'clock; there were several persons present at my house at the time; the evening was passed in con-

versation upon general topics; Prof. W. took active part in it; there was nothing in his appearance which indicated anything remarkable. After his arrest I carried my mind back to the evening of the 23d, and I could remember nothing in his appearance at the time.

Cross-examined.—I saw him on Tuesday evening again, and had some conversation with him; he manifested nothing peculiar in his behavior.

At this point of the testimony, the Court adjourned to half past 3 o'clock, P. M.

Afternoon Session.

The Jury entered at half past 3 o'clock and the Court followed at 20 minutes before 4 o'clock. Proceedings commenced.

Thirty-ninth witness—Dr. E. Stone, sworn. I examined the hole in the thorax; it was not a clean cut; we finished our examination on Sunday; it is as easy to make a clean cut in a dead human body as it is for a butcher to make a clean cut in veal or beef.

Cross-examination of this witness declined.

Fortieth witness—Philena F. Hatch, sworn. Live in Vine street; have known Dr. Parkman 14 years; on Friday, the 23d November, 1849, saw Dr. P. in Cambridge street, between Blossom and North Pleasant streets; he was going towards Court st.; it was 12 or 13 min. before two o'clock when I got into the house; I fix the date of the day from the fact that the day before, (the 22d,) my husband started for Vermont, and the same night my sister came from Maine; I looked at the clock when I came home to see how long I had been gone; had been up the Tremont road above Dover street.

Cross-examined.—Didn't notice whether Dr. Parkman turned round or not after he passed me; I mentioned having met Dr. P. to my sister after I got home, and made allusion to his chin in order to make her laugh; I was on the Blossom-street side.

Forty first witness—Joseph Hatch, sworn.—I reside at No. 15 Vine-street; I left this city on Thursday, the 22d day of November, and went to Vermont, and returned the 3d of December; the witness last on the staud is my wife.

Forty-second witness—Wm. B. Thompson, called.—I reside in Cambridge; on Sunday night, the 25th of November, I was called to go up to Prof. W.'s house; I am clerk of the Registry of Deeds; I went up there about 6 o'clock; I went into the Professor's study; he was there, and I asked him if he could tell me at what time the mortgage was given; he looked into a bundle of papers that were lying on the table, and shortly remarked that it was strange he could not find the paper he sought; he remarked soon afterwards that he could give me the information in another way, and afterwards he then looked in what appeared to be a journal of his daily transactions. He then gave me the date of a mortgage, and immediately corrected himself, and said, "but I suppose that is not the one you want;" he said that this mortgage was one on personal property, and not on real estate; I then said, I would call on the City Clerk, and see if Dr. P. had been there to discharge the mortgage; Prof. W. said something about Dr. P.'s having been seen going over the bridge on the afternoon of Friday, and he (Webster) had been to Mr. Page's office to see if the mortgage had been canceled; I remarked, as I was leaving the house, I would see Mr. Page, and find out if there had been any mistake in canceling the mortgage; I noticed nothing peculiar in his behavior.

To the Court.—I took down the information in notes, as the Professor gave them to me; he gave me the minutes from the large mortgage first; have been acquainted with Dr. George Parkman for five years past; I have been accustomed to see him very often; I saw him on Friday, the 23d of November last, in Causeway-street, in this city, at ten minutes or a quarter past two o'clock P.M., going up toward Leverett-street; there was a milliner's shop on one side of the street, and an apothecary's shop on the other side, at the place where I met him. [Here a map of the city was produced by the Attorney-General, and exhibited to witness, who pointed out the location of the streets.] I was coming down from Leverett-street, and going to Portland-street toward Charlestown Bridge; I was on the left-hand side of the street. and he was heading up toward Leverett-street; I fix the date of this day from the fact that I paid for the coat I now wear on that day, and I had also examined the title of an estate at the Registry on that day, and was going at that time to leave it at his place of business in India-street; I went to leave it there; he was not in that afternoon, and I came over again on Thanksgiving-day, a week afterwards; I fix the hour from the fact that when I started from Cambridge it wanted four or five minutes of 2 o'clock by my watch; the clock on the Court-house said 2 o'clock; the first place I had to call at was at the corner of Elm and Hanover-streets, and when I got there I looked at my watch, and it was twenty-five minutes past 2 o'clock; I walked into Boston; am called a quick walker; I went down Portland to Elm and Hanover-streets after I had seen Dr. P.; he was dressed at the time in a dark frock-coat and drab pantaloons.

He had his hands folded behind him, and was walking; he appeared excited; my attention was first called to the fact on Sunday next succeeding his disappearance; I mentioned it to Mr. Blake, City Marshal.

Cross-examined—Am not near-sighted; sometimes wear slightly colored glasses, because my eyes are somewhat weak; copy deeds at the Registry; copying may weaken my eyes, but does not impair my sight; do not know the name of the first street which leads to the right, coming down Causeway from Seventh street; by the map, I conclude that it is Merrimac street which turns off to the right; I remember a broad space near the junction of Merrimac and Causeway streets, and a planing-mill on one side of the space.

I went down Merrimac into Portland, and thence to Elm street; I have used a magnifying glass about a week, in order to read very fine writing; I never told Mr. Andrews that I could write so fine in the mesmeric state; I never used the term "mesmeric state;" never wrote any writing so fine in any state that I could not read in my natural state, nor did I ever say so; I did say that I had written writing so fine in a biological state, that other people could not read it; don't know whether I can see further in a biological state than in my natural state; mentioned meeting Dr. P. to Mr. Blake on the next Sunday, and he (Mr. Blake) seemed to think favorably of it; had some further conversation with Prof. W. on Sunday at his house; then asked him how Dr. P. appeared when he paid him the money; Webster replied that he was excited and angry.

Prof. Webster also said that Dr. P. had called on his agent, Mr. Pettes, to get the money collected by him, (Pettes) for the sale of tickets; that he had told Mr. Pettes that he (Prof. W.) was a d——d whelp; Prof. W. also told me that Dr. P. had used insulting expressions to him every time he met him; the state-

ment made by me to Mr. Andrews, in writing, was made in a hurry, and I told Mr. Andrews at the time that I could not swear to it.

Forty-third witness—SAMUEL A. WENTWORTH, sworn.—I dine in Vine street; am a provision dealer in Lynde street; I have known Dr. P. for two years; saw him last on Friday, the 23d November, 1849, in Court street, at from half past 2 to half-past 3 o'clock; I fixed the time from the fact that I ate my dinner at 1 o'clock, and my boy had gone away, and was half an hour later. I had been to dinner, and was going down to Haymarket Square; met him near the head of Sudbury street, and opposite Mrs. Kidder's medicine shop; he stopped as I passed along, and turned round facing the street. He had his hand behind him under his coat-tail, and stood looking up to the houses on the opposite side; he was going toward Bowdoin Square when I first saw him; I fix the date of seeing Dr. P. from the fact that when I went home on Saturday night at half-past 10 o'clock, my wife told me that two men had been to the house to look for Dr. P.

Cross-examined.—I mentioned the fact to a lady who was at the house, and also to a gentleman named Foster; a gentleman was with me by the name of J. H. Russel at the time; he does not recollect the day, though he remembered the fact of seeing Dr. P. while with me; went down to Haymarket Square, and from thence to the market to buy my marketing for Saturday; am sure this was on Friday, because I never buy my marketing for Saturday on any other day than Friday.

Forty-fourth witness—SAMUEL CLELAND, called and sworn.—Live in Chelsea; do business at No. 26 South Market street; have known Dr. J. Parkman since 1839; saw him last on Friday, the 23d November, between 3¼ and 3½ o'clock, P. M., between Milk and Franklin streets; I fix the day and hour from the fact that I was going to call on the Rev. Geo. Wildes, whom I always call upon at 3 P M., when I do call upon him, who boards at No. 18 Franklin street, in order to get him to officiate at our Church on the next Sunday; I had sent notes on Friday morning to several individuals, in order to obtain an individual to preach at our Church; my boy was unable to find several of the persons to whom I had addressed notes, and he returned them, and I threw them into the desk; those notes I now have with me here; I went out when my boy returned to find Mr. Wildes, and on the way called on several other persons, and in going up Washington street, I saw Dr. P. at a little distance ahead, walking, as I thought with a laboring man; and the reflection struck me at the time that Dr. P. should be walking at that hour of the day with a laboring man; came up with him and discovered that he passed a laboring man instead of being walking with him.

Cross-examined—Have mentioned this to my partner and Mr. Knapp, clerk of the police court. He (Mr. K.) told me that he had been seen at a later hour than that on Friday, and I thought no more about it. I saw the notices of the family of Dr. P., but as I had been told that Dr. P. had been seen after the time I saw him, I did not think the information I possessed in the subject to be of any importance, or I should have communicated it before to the family of Dr. P.

Mr. Cleland was recalled just as he was leaving the stand, and produced the letters, by the date of which he fixed the time of meeting Dr. P.

Forty-fifth witness—LUCIUS R. PAGE, called.—Am City Clerk of Cambridge; on Sunday after the disappearance of Dr. P., Pro. W. came to my house to see if Dr. P. had discharged the mortgage on his, W.'s personal property; Prof. W. went away; I was away at the time, but after I came back, I looked at the mortgage and found that it had not been discharged. The cross-examination of this witness declined.

Forty-sixth witness—ABBY D. RHODES, sworn.—I live in Minot street; have been acquainted with Dr. Parkman 25 years; attend Dr. Francis Parkman's church; I saw Dr. George Parkman the last time on Friday, the 23d of November last, at a quarter before 5 o'clock, on the corner of Green street and Lyman place; I passed by very near him, and we bowed to each other as we passed; my daughter was with me when I met him; Dr. P. had a man with him at the time; I fix the day from the fact that my daughter went home with me on that day, which she seldom did; I bought some goods of Mr. Hovey on that day, and I find by referring to Mr. Hovey's books, that the goods are charged to me in part on that day, Friday, November 23d; I was so sure of this, that I have mentioned it to Dr. Francis Parkman.

My attention was called to the fact, by seeing in a paper, on Sunday, an account of the disappearance of Dr. P., my daughter went out of town on the next Saturday; didn't return till the following Tuesday; when she returned, she mentioned the fact to me of meeting Dr. P. in Green street; I have the memorandum of the purchase of the goods on Friday, the 23d of Nov., at home, and will bring it into Court.

Cross-examined.—The fact of meeting Dr. P. on Friday afternoon was called to my mind by my daughter; have felt a great interest in the matter of the disappearance of Dr. P.; never expressed any doubts on the subject of meeting Dr. P. on Friday, the 23d of November, to any one; the man whom I saw with Dr. P. on that afternoon, was somewhat taller than Prof. W., and somewhat stouter than Dr. P.; have called twice to see Dr. Francis Parkman on the subject of Dr. P.'s disappearance.

Forty-seventh witness—Miss MARY RHODES, sworn.—I have known Dr. P. by sight ten years; saw him last on the 23d of November, 1849, at about quarter before 5 o'clock in the afternoon in Green street, near Lyman Place; there was a man with Dr. P. at the time; he (Dr. P.) bowed to my mother as he passed. I had been shopping that afternoon, and had purchased some goods at Mr. Hovey's store in Winter street; the side walk was very narrow where we met; I went to Lexington next day.

Cross-examined.—I heard of the disappearance of Dr. P. on Saturday, while at Lexington; a gentleman read the notice from a paper; I supposed that the notice in the paper stated that Dr. P. disappeared on Saturday; on my return to Boston I mentioned the fact of meeting Dr. P. in Green street, on Friday, to my mother and brother, am certain that I met Dr. P. on Friday afternoon and another day of that week; the man who was with Dr. P. at that time, was a stout man, but not so tall as Dr. P.

Forty-eighth witness—SARAH GREENOUGH, sworn—I was not personally acquainted with Dr. P., but knew him by sight; saw him last on Friday afternoon between Belknap and South Russell streets, in Cambridge street, at about 10 minutes before 3 o'clock; I fix the time of seeing Dr. P. from the fact that I had an engagement at 3 o'clock on that afternoon; I was to go to my son's in Temple street at that time, and fearing I should be too late, I took out my watch and saw that it was 10 minutes to 3; I saw Dr. P. just at that moment.

Cross-examined.—Dr. P. was on the other side of the way, and going down towards the bridge; I didn't turn round to see which way he went; cast a glance at him in passing.

Fiftieth witness—SAMUEL B. GREENE, sworn.—Am clerk for Hovey & Co., Winter street; I sold on Friday, the 23d November, 1849, eleven yards of mouselain de laine, at 20 cents a yard, amounting to $2,20; I made a memorandum of the sale at the time; can't tell what time of the day the sale was made.

Cross-examination declined.

Here Mr. Sohier rose and remarked that the defense had now closed the testimony which they intended to introduce in the case, but asked the indulgence of looking over the notes of the evidence already taken preparatory to making the closing argument, whereupon his Honor ordered the Court to be adjourned until 9 o'clock to-morrow morning.

TENTH DAY.

Mr. Clifford, the State Attorney General, rose and advised the defense that he should contend that the mortgage of $2,432, due in parts to several individuals, was not yet paid, and that $512 50 was still owing, but not due until 1851.

Rebutting Evidence for Government.

First Witness—Joseph Sanderson called.—Am one of the police officers of the city of Cambridge; know Prof. W.; think I have known him about four years; during the week after the disappearance of Dr. P., I saw Prof. W. at night several times.

[Objected to by the defense, but ruled competent.]

Between Sunday and Thanksgiving night, saw him get out of the theater coach where the omnibuses stop; should think it was between 11 and 12 o'clock at night; I was standing near the coach at the time he got out, and I turned round and followed him a little distance, perhaps 15 rods; am a watchman; I met another watchman, named John Bryant, just afterwards, and some conversation ensued upon the subject of meeting Prof. W.; am certain that it was on one of the nights between Sunday and Thanksgiving night; cannot tell whether this was between Monday and Wednesday.

Cross-examined.—I mentioned this to Mr. Bryant on Saturday; can't say that this was not on Wednesday; don't remember how many ladies got out of the coach that night; the weather was hazy at the time and there was a moon; the night must have been either Monday, Tuesday, or Wednesday evening; Prof. W. walked faster than I did; followed him some distance and to near his own house; he was not out of my sight the whole of the time after he passed the graduates' hall; turned round immediately after Prof. W. passed me and followed him; met Mr. Bryant a few minutes afterwards; it is a common thing for the omnibuses to run from Boston on all the nights of the week except Sunday.

Second Witness.—Dr. Daniel Harwood called by Government and sworn.—I am a dentist of this city, and have lived and practiced here since 1839, excepting from 1841 till January, 1847; I belong to the Massachusetts Medical Society; I was the first to manufacture mineral teeth; a dentist is as likely to recognize large cases, as they are technically called, as a sculptor would be to recognize his own work, or a merchant his own handwriting; I can't tell whether I could tell teeth of Dr. Keep's manufacture or not; when I see persons with artificial teeth furnished by several dentists, (Dr. Keep among the rest) I am in the habit of saying such teeth were made by Dr. Keep, and such teeth were made by another dentist, &c. Here the mineral teeth found in the Medical College laboratory were exhibited to witness. These teeth are covered by some foreign substance, and they are so much altered that I cannot tell whether Dr. Keep made them or not; I think that the composition of these teeth is Dr. Keep's; I also think that the style is Dr. Keep's.

To the Court—I have seen teeth of Dr. Keep's manufacture in the mouths of persons.

Here the mold made by Dr. Keep for Dr. P. was exhibited. There are several points by which a person might recognize the teeth made by him upon this mold; first, the great absorption of the bone of the jaw, which is evident from the form of the mold.

Objected to by defense as introducing new matter of evidence in the case; ruled out by the Court.

Resumed—I think, under like circumstances, that I should be able to recognize the teeth.

Here the witness stated to the Court that an accident had just happened to the teeth while in his hands, to wit: that the blocks of teeth had become separated; witness said that he was sorry that the accident had happened.

Attorney-General—I wish this had happened while Dr. Keep was in Court.

Cross-examined—I think that there is an extraordinary peculiarity in the form of the block that would enable me to recognize the work, if I had done it myself; the peculiarity is a projection in the block, which shows a great absorption of the bones of the jaw; think other dentists make blocks of teeth in the same manner as Dr. Keep; never remember to have seen so great an absorption of bone before; think Dr. Keep, from his intimate knowledge of the case, must be able to recognize these teeth.

Third Witness—Dr. Joshua Tucker called by Court and sworn.—Am a dentist in this city; have been in business for 21 years; I have been at work all the time; have given my attention to natural and mineral teeth. Here the mineral teeth supposed to be those of Dr. P. were exhibited to witness. All but one of the blocks are so disguised that I don't like to give an opinion; the one block is the lower left side one, and that is so peculiar that I think that the person that made them would be as able to recognize them as a painter would be to recognize a piece he had painted. I don't know Dr. Keep's peculiar method of making teeth.

Cross-examined—The heat may have warped this block of teeth into shape or out of it.

Fourth Witness.—Dr. Willard W. Codman called by Government, and sworn.—I am a graduate of the Massachusetts Medical College; my attention has been given to dentistry for

sixteen years. [Here the mineral teeth were exhibited to witness.] I think there are peculiarities in the blocks of teeth shown, which would enable the maker to recognize them.

Cross-examined.—There is a strong probability that a person who made these teeth might recognize them; they may have been warped into disshape or out of their natural shape, by the heat which has been applied to them.

Fifth Witness—Benjamin H. Topp sworn.—Am a resident of this city; am employed in the Custom-house; was at Cambridge Cragie's bridge on the Sunday next succeeding the disappearance of Dr. P.; I went over with Mr. Littlefield, having heard that Marshal Tukey was going to have a lot of men searching for Dr. P. in East Cambridge that day.

The toll-man and an old gentleman were present; there might have been another person present; don't remember exactly; we conversed about the disappearance of Dr. P.; the toll-man said that the young man who had taken toll at the bridge, while he (the toll-man) was at tea, had seen Dr. P. and an Irishman pass over the bridge late on Friday afternoon, and the Irishman had paid the toll; Littlefield, on that occasion, said, I think, that Prof. W. had told him that he (W.) had paid Dr. P. some money on that Friday.

Cross-examination.—Don't remember exactly what time this conversation was recalled to my mind; have had some conversation with Littlefield on the subject of this conversation at the toll-house.

Sixth Witness—Isaac H. Russell sworn.—Know S. A. Wentworth, provision-dealer in Lynde street; don't remember being in his company on Friday, 23d November, 1849; remember that Wentworth pointed out Dr. P. to me one day, but don't recollect the date.

It might have been one day before the disappearance of Dr. Parkman, or it might have been six months before; think, if I had seen him at any time just before his disappearance, I should remember it; don't know when I first saw the notices in the newspapers of Dr. P.'s disappearance; don't know where I was, with Wentworth, when I saw the Doctor.

Cross-examined.—Sometimes walk with Mr. Wentworth; do not recollect anything about the affair of meeting Dr. P. on Friday, the 23d Nov. at all.

Direct resumed.—Am in the habit of reading the papers daily.

The State Attorney here rose and said that the Government had summoned five or six witnesses to prove that an unknown person had been seen in the city on the afternoon of Dr. P.'s disappearance who bore so great a resemblance to Dr. P. that he had been approached by several persons who discovered, on addressing him, that it was another person.

The counsel for the Government quoted a well known case in Massachusetts Reports in which a like instance is stated, which occurred in the Courts of Middlesex.

This rebutting evidence was objected to by defense, as entirely incompetent, and its introduction was again urged by the Government, but the Court ruled it out, as contrary to the rules of evidence recognized by the law, and therefore inadmissible.

Seventh Witness—George W. Fiffiele called.—Am toll-gatherer on Cambridge bridge; recollect the time when the clock was put up on the Court House; can't tell the exact time; it is said to be a bad time-piece.

Cross-examined.—I have frequently noticed the difference between this and other clocks; sometimes it was a quarter and sometimes half an hour too fast.

Eighth Witness—Samuel B. Fuller sworn.—Am toll-gatherer on the East Cambridge side of the bridge. Have observed the clock on the Court House in East Cambridge; it is often wrong, and I have known it to be 5 or 10 minutes out of the way, and have known it to stop; noticed the irregularity in the Spring more than before.

At this point the Government rested their rebutting testimony.

CLOSING ARGUMENT OF MR. MERRICK, &c.

Gentlemen of the Jury—I need not state that it is with feelings of deep embarrassment that I arise to address you. I cannot be more sensible than you are of the difficulties to be encountered in the examination of so much testimony, or the necessity that this testimony shall be rightly understood.

The case, gentlemen, which is presented to you, is of more transcendant interest than any which has ever before been presented to the community. A few months since a well known and respected citizen disappeared.—He was one connected with a family well known in this city; a gentleman accustomed day by day, and month by month, year after year, to mingle freely in the community; his friends naturally took a deep interest in his discovery, and enlisted the entire official force of the city for that purpose; much more than this, they enlisted the entire sympathies of the people in their behalf, when all enquiries and all investigation, all efforts seemed to be utterly baffled, and there was no hope left, and all appeared to be wrapped in universal darkness; the sudden and astounding notice was given out, that the mangled remains of his dead body were said to be found.—The perpetrator of the awful crime which brought that body to the condition in which it was, was said also to have been discovered. That individual was one who, in the ordinary course of things, would have been no more suspected of such an atrocious crime than you or we, who are engaged in this criminal trial. That discovery, so astounding, so overwhelming, was instantaneously followed by the disclosure to the community, in every form in which disclosure could be made, that various circumstances conduced to, and established the fact, that the remains which were found were those of the body of Dr. George Parkman, and that the prisoner at the bar was connected directly with the transaction. Incident after incident was communicated to the public, and every thing which could bear against this unhappy man was spread abroad, as it were, on the wings of the wind. Every sheet gave new token to the community at once of the death of Dr. Parkman, and, it was supposed, of the guilt of this prisoner.

In the meantime, gentlemen, the prisoner at the bar was in the cell of your prison, in silence, while every incident tending to affect him was the subject of daily communication and discussion through this city. He was alone, without friends and without help to repel these accusing circumstances. Gentlemen, he waited not only in silence, but in hopes that he would be redeemed. He sent forth no appeal to the community; he suffered those communications of which I have spoken to be spread abroad throughout the community, until the voice of the echo came from the most distant parts of our country, and from foreign lands, without ever once asking the public even to suspend the formation of their opinions. He waited in silence, in hope and in confidence, because he had lived long in our midst, and knew that the time was coming when passion would die, prejudice give way, calm reason intervene, and society again receive him. In that hope and that expectation he has not been disappointed. He never asked, Gentlemen of the Jury, any delay of this investigation. As soon as it was the pleasure of the Government, consistent with the arrangements of this Court to enter upon this trial, he went into it, not prepared by a series of experiments and investigations, which he could make in his silent and sombre cell, but prepared in that consciousness which enabled him to come before a Jury of his country and say, whatever might be the appearances against him, he could confidently trust at once, his cause, his life, with an impartial Jury, under the instructions of a learned and impartial Bench. Gentlemen it is impossible that you could not have heard the circumstances of this case before you took your seats to try it. It is impossible, gentlemen, that you have not, in one form or another, heard much of that which has been detailed to you in the evidence which the Government have produced on the present occasion. You have declared that these circumstances have not produced a bias upon your minds against the prisoner, and he has some right to presume how much effect this same evidence now presented, in a judicial form, is calculated to produce in your minds. What, gentlemen, is the charge which the Government made? What issue is to be tried? and by what proofs is that issue to be made? The Government charge that on the 23d of November, in the year 1849, George Parkman was murdered by the Prisoner at the bar, in various forms, such as the officers of the Government, upon the investigation which took place before the Grand Jury, have presented in the Indictment upon which the prisoner is now tried. It has been stated to you that it is competent for the Government or the officers, in preparing the indictment, to present the charge in various forms, and different ways, because, upon the trial—the final trial—some difference of evidence may be recorded, and different statements made of the particular ground of charge, which might render the instrument null and void. I do not now speak of the particular manner in which the different counts in this indictment have been drawn up—enough that the defendant is upon trial for his life, charged with the murder of Dr. George Parkman. To establish this charge against the defendant, there are certain facts which it is indispensable for the Government to prove; they must prove the death of Dr. George Parkman; they must prove that his death was caused by the agency of another person; they must prove that the prisoner at the bar was that agent, and that in causing the death of Dr. George Parkman, he had acted with malice aforethought. If any one of these facts is not proved, the Government cannot ask the life of Professor Webster, and, unless the death is proved, they can have no effect, unless they show that he came to his death by the defendant; that it was with the malice aforethought—they can have no verdict for murder, but may have it for a lesser crime—manslaughter. These facts then, gentlemen, which the Government must prove, they have undertaken to establish by much evidence. Time has been exhausted to an unusual extent in gathering together the facts which are called the proofs, in this fact, against the prisoner at the bar—and though, gentlemen, we have spent day after day, not one single case is proved which comes directly to any one of the great points which the Government are bound to establish. By no direct evidence is it shown that George Parkman is no longer in the land of the living. By no direct evidence that he was slain through the agency of another. By no direct evidence have they shown that the prisoner at the bar had any agency whatever in procuring that death; but every one of those facts is sought to be proven by collateral circumstances, by asking you to ascertain facts which are known, and from those facts you are to draw by inferences, those other facts which are yet unknown. Let us see then precisely what the proposition of the Government is—let us see precisely what the prisoner at the bar concedes, and then we shall find the precise issue to be tried; and the question which you, upon your high responsibility, are called to try. The precise proposition which the Government undertook to establish by the indirect testimony which they have introduced, that on the 23d of November, 1849, Dr. George Parkman, between the hours of one and two o'clock, entered into the Medical College, and had an interview there with the prisoner at the bar, and that he never left that building; that he and the prisoner never separated, but that shortly afterwards Dr. P. was found dead in the College. This is the proposition which the Government undertakes to prove. Mark, Gentlemen, that the Government do not undertake to establish, nor is there any evidence in the case from which it could by possibility be inferred that these parties ever met again, if they separated there. There is no proof that they have seen each other since—none, gentlemen. If George Parkman was the victim of violence, there is nothing to connect his death with the hand of the prisoner at the bar. This is the proposition of the Government: What is that of the defendant? He has always stated that, at half past one o'clock on the 23d of November, 1849, there was an interview at that College, for a specific purpose, between him and Dr. P; that that purpose was there accomplished, and that Dr. P. then, in life and activity, left that building or room in which the interview between the parties took place. This is the proposition of the prisoner at the bar. That Dr. P. left this building, after an interview of a few moments, at half past one o'clock, the prisoner at the bar concedes; beyond this he denies every thing; and if he Government will have it that Dr. P. was in the building at a later hour than that, they must prove it.

Now, gentlemen, upon these two propositions which make an issue between the Government and the prisoner, whether Dr. P. did, in fact, leave that building or not, we are to examine the evidence to show that he did not leave the building—that he was slain there—that the interview terminated in the death of Dr. P. All the evidence comes in different forms. I do not intend to say to you, Gentlemen of the Jury, by any means, that the chain of circumstantial evidence which the Government have brought, has not a tendency to prove the fact charged

upon the prisoner; without explanation, without further examination, and without the clearest analysis, it would naturally have that tendency. We have undertaken to satisfy you, beyond all doubt, that Dr. P. did leave this building, and was seen in various parts of this city, at a late hour on that same day. Suppose that the evidence in the case shall convince you that Dr. P. separated himself from Dr. Webster, and went his way; where is the evidence to show that they ever met again? Admit that the parts of a body found in that building, were the remains of Dr. P.—and that he came to his death by violence—yet, if these parties separated once, and there is no proof that they came together again, we must say that it is one great mystery that has baffled all investigation. So, gentlemen, is the every day experience of life. It has been said that realities are stranger than fiction. The imagination cannot keep pace with the extraordinary events of life, and there are mysteries in the order of Providence, and course of human life, which human reason cannot fathom, which lie deeper and lower than the human heart can sound. Then, Gentlemen of the Jury, if these parties separated, although it may be true that the remains of Dr. George Parkman were found laying under the Medical College, if those parties separated, there is no proof that touches, or can touch the life of the prisoner at the bar; none that can connect him with the sad events that transpired on or immediately after the 23d of November; and how, gentlemen, does the case stand? Did they separate, or did they not? We have called several witnesses, all respectable inhabitants of this community, to testify before you concerning his character. Seeing the condition in which Dr. W. has been placed in reference to the discovery of these remains alone in his cell, with no powerful and opulent family to aid and assist him—with a wife and three daughters, whom you have seen upon this stand, occupying his mansion in a neighboring city—these witnesses have sprung up, as it were, by their casual recollection, and we have been enabled to discover these proofs and bring them to your ears. Gentlemen, the number of witnesses is not large; but contrast it in this estimate with the Government witnesses, with all their search, and compare the number of witnesses who saw Doctor Parkman in the afternoon of Friday, the 23d of November, with the number who have been brought here by the Government to show that he was seen in the morning when he was engaged in his ordinary pursuits, and even in that they will not stand. We call, gentlemen, before you the testimony of Messrs. Thompson, Wentworth, Cleland, Mrs. and Miss Rhodes, Mrs. Hatch and several others. I shall not, at this moment, dwell upon this testimony. Mrs. Hatch testifies that on Friday, the 23d of Nov. at a ¼ before 2 o'clock, she saw Dr. P. in Cambridge street. It was also testified that the Dr. was seen after 2 o'clock. Of this testimony I shall have to speak hereafter in a connection of the highest importance, most pregnant of suggestions, and will be found, as I think, of the greatest moment. Mr. Thompson says he came in from Cambridge that afternoon, after three o'clock, more than an hour after Dr. P. left the College; he saw him in Causeway street, and knew him, as he says perfectly well; he was upon one side of the street and the Doctor upon the other. I did not know, on the cross-examination, that upon one occasion the witness had given a different account, which would be calculated to create a distrust of the testimony given here. When the Attorney General cross-examined this witness, from a paper which he held in his hand, I inferred that something had been stated which he had not conformed to on the stand. It said that he related the circumstance of meeting Dr. P. in Causeway street to Mr. Andrews, and asked him to write it down for him, alleging as an excuse, that his hands were cold, and he could not conveniently use the pen. He, Mr. Thompson, then communicated the interview which he had on Friday, Nov. 23, with Dr. W., and put it into Andrew's hands, in writing; there is nothing in that paper which could affect the credibility of this witness; he is employed in the office of the Register of Deeds, in Cambridge, and met him at twenty minutes past two o'clock on the day which he disappeared. [The learned counsel then alluded to the ideas on biology, of this witness, and to the fact that the Government had attempted to discharge his evidence on account of his belief in that theory.] Judge Merrick continued—I do not think this witness is to be discredited; every one can say that honest and sincere men sometimes adopt strange systems of philosophy; he is a witness who is well known in this community, and a man whose personal appearance upon the stand entitles him to favorable consideration. Mr. Wentworth testifies that between two and three o'clock on the day of the disappearance, he saw Dr. P. coming towards him; he had his hand under his coat, and the witness spoke of it to Mr. Russell, who was with him at the time. This witness states that he remembers it was Friday, from the circumstance that he went down to Haymarket Square to purchase his provisions, &c., for the succeeding day. On returning to his home, he was informed by his wife, that during his absence, two men had been to his house to inquire for Dr. P., and he immediately said to his wife, "I think Dr. P. cannot be a great way off, for I saw him yesterday afternoon." Now, gentlemen, hear his evidence which is not to be impeached. The only true circumstance which have been found here to reject the testimony of Mr. Wentworth is simply this: that Mr. Russell has been called to testify that he has no recollection of that event at all; he remembers, however, that at some time he was walking with Mr. Wentworth, and they met Dr. P, but he has no recollection whatever of the particular time. We cannot well explain the workings of our own mind—we are engaged from morning until night in a vast number of transactions; we see a great number of individuals, and casual observation is made; we speak to these persons, and there being nothing particular at the moment to make upon our minds an impression, no trace is left there. And I put it to you, gentlemen of the jury—you have been separated from your fellow-citizens many tedious days—go back in your recollection to the, day you came here, and answer to your own consciences, whether you can recount to yourselves, or anybody else whom you saw the day you came. The important objects are impressed upon your minds, but the unimportant are gone with the air which you breathe—so it is with Mr. Russell.

(The learned council then proceeded to a review of the other testimony that had been given, tending to prove that Dr. P. was seen in different parts of the city at an hour subsequent to that in which he is alleged to have entered the Medical College, and never came out.)

Mrs. Rhodes was acquainted with Dr. Parkman's family; had been for a number of years; she had been out shopping with her daughter, and met Dr. P. in Greene street, and bowed to him, receiving from him a similar salutation. Her daughter testified to the same fact.

(Mr. Merrick reiterated the different points in these witnesses testimony, and in forcible language portrayed their importance to the Jury.)

This, then, continued the learned counsel, is the testimony upon which we rely, to convince you that Dr. Parkman came out of the College on (and was seen in different parts of the city) the afternoon of the 23d. He did not return to his family—that is strange. Something occurred that day, which we cannot understand, and cannot reach in any manner—what that was who can tell? When his friends, at first, made a comparatively slight and fruitless search, they gave notice to the world, and put their minds upon causes which produced such strange effects, and it is neither unjust nor unreasonable to suggest what upon the greatest deliberation was suggested by his friends. There we support a new theory; but we take up the theory of his friends, and those who know him best. They thought he might have strayed away under the influence of some sudden aberration of mind. They would not have put forth a suggestion of that kind under a reward of $3.000 for his discovery, and you know it. We know that respectable and unimpeachable men and women, who are capable of determining this problem, did see this man on that afternoon. Who can say that that is not true? The suggestion is, they may be mistaken; but are you certain that they are mistaken? When the mangled remains of this human being were spread out on the floors of the Medical College, and exposed to medical gentlemen and friends, they were asked to examine and see if they could find anything dissimilar; but when they bring that testimony here to you as a fact from which you are to draw an inference, yet they ask you to rely upon circumstantial evidence to believe that respectable men and women were not mistaken in the naked leg, but in the open face, and the peculiarities of the living man. What then are we here for? What is the solemn duty, which you are to perform? To weigh all the evidence—not a part—to take up all the evidence, and see whether the evidence which they produce tends to establish that hypothesis. Gentlemen, I shall proceed to an examination of the testimony which the Government have brought in, and I mean to treat this testimony with all the fairness that my mind is capable of. I do not feel

as if I was here to enter into a controversy with you, neither do I feel as if I was in controversy with my friends the Counsel, here. We come here to vindicate justice.—I speak to you, gentlemen, in the hope that I may aid you in the great duty which we have before us. We sometimes speak earnestly, and in deep conviction. We have opposition to contend with. We know that you are our friends—the friends of the prisoner at the bar,—as you are the friends of your own brothers. Let us look, gentlemen, at the facts in the order in which the Government have proved them, and see how far their evidence, direct or circumstantial, reaches. The Government must prove the guilt of the defendant—the burthen of proof must be conclusive, and if they do not establish beyond a reasonable doubt, the several facts, they cannot claim or ask for a verdict. The law presumes that the prisoner at the bar is not guilty, unless it is forced upon the mind by a post consideration of the evidence before us. I now come to the proofs which the Goverement have brought forward. They are to establish, first the death of Dr. P.—second that his death was occasioned by the agency of a third person. First—have they proved to your satisfaction that Dr. Geo. Parkman is dead? They have much evidence certainly tending to establish this, and I shall but state that evidence to you, with the single remark that it is for you to pause upon it before you can proceed on with the investigation of other and more important matters. Dr. P. entered the Medical College on Friday, the 23d of Nov.—since that day he has not been seen. To show that he is dead subsequent to that day, certain remains of a body were found, and some evidence has been proved tending to show that body was the body of Dr. P. In the first place there were parts of a human body found in the vault beneath the privy, parts in a tea chest, and parts among the cinders of a furnace. Respectable and most intelligent gentlemen have been called here to testify to each and all the parts there found. Dr. Wyman, who has exhibited much science in his profession, has stated to you that fragments of bones which he found in the furnace, correspond with the parts belonging to the body which were not found in the tea chest or in the vault; they constitute the left leg, hands and feet, and there were none of these fragments which could have existed in any but parts of a human body. Now, on this testimony you are to consider, and I have no doubt of the result at which you will arrive; if all these fragments did not constitute a part of one human being; the inquiry then is, was that body the remains of Dr. Geo. Parkman or not; and upon this you have very strong proofs. The testimony of medical gentlemen is to the effect that the structure of Dr. P. was very peculiar, and that these remains corresponded in every way with the body of Dr. P. The form, size, color of the hair on the back, is certainly strong evidence that this is probably the body of Dr. George Parkman—and this is substantiated by the testimony of Dr. Keep, a medical gentleman, who made some mineral teeth for Dr. P., and who has proven some of the teeth found in the furnace to be his own. He has not a particle of doubt but that they were the teeth of Dr. P. These circumstances are certainly very strong, tending to establish the identity of this body. We have called your attention to the testimony of Dr. Morton, who has given to you all the information on the subject that he could. We called him for the purpose of letting you understand the nature and the character of these teeth. It has enabled the Government to bring in the most skilful dentists there are in this city. I have only to say in reference to this question of the identity of the body, if the Government cannot say this is Dr. P.'s body, this is an end of the case. Second, the cause of the death. Have the Government satisfied you beyond a reasonable doubt that Dr. Parkman died by violence? I shall not now call your attention to any part of the Government testimony implicating Dr. W. as the criminal. I suppose the Government will rely on two circumstances, which are quite insufficient to justify the Jury in coming to a determination that the deceased came to death by violence. I refer to the fracture of the skull, and those portions of the bones which have some tendency to show that death was caused by fracture of the skull before it had been subjected to the action of the heat. There was nothing which would enable them to determine whether the fracture was before or after death; but even in the latter case that it was a fracture before calcination. We come next to the perforation in the side. It appears from the testimony that it was discovered immediately after it was exposed to view. I shall not dispute about its being there before or after death. Now, was it cut? Dr. Strong thinks that it was made before death. Drs. Winslow, Lewis, Gay and Holmes made an examination, and found that it was not so. An examination made at a moment when all inquiry was of the ut most importance, when every circumstance was looked at as a matter momentous in relation to this great calamity, and they came to the conclusion that there was no cut there, but that it was a ragged opening; that a clean cut could be made after death as well as before; you have the testimony of three physicians that the wound was not caused by a stab, or a short instrument; thus then gentlemen, you are destitute of proof either that George Parkman (if this was his body) came to his death by a blow on his skull, or a stab in the side; and then what next? how did he come to his death? how was he killed? You find upon the person wounds sufficient to destroy human life. Take a man's head off and it kills him. Take his breast-bone out, and separate all the internal parts of the body, and it kills him. Put his head in the fire and burn it to cinders, and it kills him; but was Dr. P. destroyed in any one of these ways? Do you think he was burned to death? Do you suppose he was killed by having his legs cut off with the knife? his arms were severed from the shoulders by some dissector. Did that kill him? Yet nobody believes that any one of these modes of mutilation was the cause of death; but, when was it? After all the investigation which has been made in this matter, it is as dark as it was before light went into the cavern underneath the Medical College. How he died, we don't know. How are the Government to say he came to his death by violence, when they cannot prove it? When all the mutilation found upon the body is discovered not to have been the cause of his death. A man is seen with a bloody sword in his hand running from a house, and persons upon going into the house, discover a man with a wound in his side that corresponds with the size of the sword. Here is conclusive evidence—but in the present case the disappearance was on the 23d, and the discovery of the body was on the 30th. seven days afterwards, and there were no wounds or mutilation found upon it but what might have been inflicted after death. Death besets the human family in ten thousand ways; sometimes it approaches soul and body. Can you say certain seven days after the death of Dr. P. that he did not die a natural death? Is there any thing remains to show that Dr. P. did not come to a natural death? Can you beat through this thick fog, and by circumstances almost incredible, conclude that death came from violence? When a body has been found, and can be identified, the first care should be to see that the proof is clear that that body ceased to live in consequence of violence applied to it. If this could not be shown by direct, or indirect evidence, strong suspicions are excited, and the greatest of jealousies may fill the minds of men, and still there is a want of that judicial proof, of which conscientious men are found to be wanting; I do not undertake to say that Professor W. can account for the appearance of the body there; but we do pretend to say that the Government must prove this fact before they can ask for a conviction; and when we say to you that these marks might every one of them have been inflicted long after death, we will undertake to demonstrate it. We do not attempt to show how those remains came there; a midnight robber might have seized the body, and concealed it for a time for the sake of plunder which could be had from it; but, suppose that these were passed, and it were admitted that it was the body of Dr. Parkman, and that he came to his death by the agency of another: I submit it, gentlemen, to your calm inquiries if the evidence on the part of the Government goes only to create a strong probability, but does not come up to a clear point, beyond a reasonable doubt, that this body was placed there by Professor Webster; but, gentlemen of the Jury, that you pass with me, and come to the conclusion that this was the body of George Parkman, and that his death was caused by the violent agency of Dr. W., what is the crime which was committed in taking the life, I shall attempt to show how, if the crime was committed by Prof. W., it was the crime of manslaughter. Dr. W. denies that he did the murder. But, gentlemen, his Counsel cannot know what effect the evidence which the Government has produced may have on your minds; and, therefore, if you should arrive at the conclusion that he is guilty, then, gentlemen of the jury, we must ask you to say what was it? Gentlemen of the jury, the law was stated in a clear and most distinct manner by my colleague in this case. Homicide is divided into two kinds, and we come to the conclusion that if a homicide is committed, that it was under circumstances of such extenuation that it reduced

the homicice from murder to manslaughter. It is understood that if a homicide is committed it will be considered murder until it is proved to be manslaughter—the question then is if a homicide occurs in this case. If Prof. W. took the life of Dr. P. did it occur under such extenuating circumstances as would reduce the crime from murder to manslaughter? Now, Gentlemen, you will receive the direction of the Court what it is necessary for the Government to prove in order to make out a case of manslaughter, without which the charge of murder could not be entertained. I do not precisely understand, may it please the Court, what is meant by manslaughter viewed in the light of the counsel for the Gov't. I don't understand that it devolves upon the defence to shew that in a case of voluntary homicide there was not premeditation. Gentlemen, on the question whether the homicide was murder or manslaughter, if you ask the question if Dr. Parkman came to his death by the hands of Prof. Webster, that he killed him by design, then the law implies malice, or malice aforethought, accompanied with the killing by design. The use of a deadly weapon indicates a design and purpose to accomplish such an act; but, gentlemen, in determining these questions the Jury are to look at all the evidence and see under what circumstances the homicide was perpetrated; and if it appear to the Jury, by fair and proper inference, that the homicide was not committed but under the extenuating circumstances of provocation or sudden combat between the parties, then the crime was manslaughter. I suppose, gentlemen of the Jury, that the Government mean to show that there is evidence in this case of express malice. I understand perfectly well how this is alleged to have taken place, and therefore before I go into the particular circumstances of the case, must come to this fact; that the Government say there is malice premeditated, that is to say, that Dr. Webster had design to kill Dr. Parkman before he went into the College that morning; this is the particular statement of the Government; that Doctor W. planned this murder and conceived the means of seducing Doctor P. to the College by false repesentations. Doctor W. states that on Friday, the 23d November, Dr. P. met him and was invited to the College there to accomplish a particular piece of business, namely, that Dr. P. should bring to his place certain notes, and he should there receive certain money, and Dr. W. states that the appointment took place and the transaction occurred; that Doctor P. did come there with his papers; that the business was transacted between them and they separated. The Government say that this transaction did not take place; that Webster did not pay this money, and then they ask you to conclude that this evidence is, that he seduced him. It becomes, then, quite necessary to look at the evidence which the Government have adduced upon this matter. They have called Mr Pettee, who sold tickets for Dr. Webster's course of lectures, and have shown you that money was paid by Pette to Webster, and then they have shown the deposits in the bank following the payment of Mr Pette. They attempt to show that the funds which Dr. Webster received from the students were disposed of in such a manner that he had none of them to pay Dr. Parkman's bills. The evidence seems to me to be so satisfying that I shall not attempt to say more than a few words upon it.

Then, gentlemen, the Government have called after evidence, Mr. Henchman, who testifies, that on the morning of this same day, 23d of November, Dr. W. drew a check for $10. He stated that he had funds in the bank at the time the check was drawn, and that he might draw again. Well, gentlemen, there is no doubt as to ths fact that Dr. W. wanted this money for his daily use, and that he was in the habit of depositing money for that purpose, and as he wished it, he drew it out. The funds were drawn out from time to time in small checks; then they called a witness to show that he had sent a small bill to him, and that Dr. W. wrote bank that he would pay it as soon as he received it srom the sale of his tickets; but you see that he wanted the money for the support of his family—that is to say the money that he was earning from time to time, and which may be called support money; we can see that Dr. W. wanted money, and was in the habit of drawing weekly from the bank for the purpose of using it in his own family. We have shown you that Dr. W. had not crime enough in his heart to perpetrate such a horrid deed as is charged against him. You know that Dr. W. was a debtor, and that Dr. P. was a creditor. You know that Dr. P. had made up his mind resolutely about his debtor, and he knew that if Dr. P., threw out any allusions to the subject that it would have touched him to the quick. The property of Prof. Webster was mortgaged to Dr. Parkman, and you know this mortgage was sold to R. G. Shaw by Prof. Webster, and he thought that he could vindicate himself at a future day as he did afterwards in a letter to Mr. Shaw, but which unfortunately does not now survive. Webster knew what he was to meet with when Dr. P. came. When a man, enjoying the station of Dr. W., and living in the expensive style he did, is called upon to pay a considerable sum of money, beyond his means, he must strengthen himself as much as he can. Now, if you will examine his books, you will find that $190 were paid by Mr. Pette to Prof. W. about the middle of November, and that $150 of it were deposited in the Charles River Bank. All the money which was received from the sale of his tickets for the medical course, the balance of $40, was saved out, and put with the claim of Dr. P. for the day of payment; all he had to do was to put himself in a situation so as to meet this claim. Remember, gentlemen, two circumstances—Dr. W. says he paid $480 to Dr. Parkman, of which sum $100 was on the New England Bank.

[The learned counsel then referred to the matter of the $20 bill which had been offered the toll man on the Cambridge Bridge to take out a toll of one cent, and dwelt with some force upon the probability that this bill was one of those Dr. W. had paid Dr. P.]

It had been stated that the Professor did not recognize the note, but this was no evidence that it was not one of those which he had paid Dr. Parkman. He had said that the money came from the students; but the idea was that it was not the entire sum received in that way, but a considerable portion of it; he could not tell, because he could not recognize the sources from which he obtained it. Now, continued the council, if you all look at the small note of $483.64, and see how it is made up by savings, you will see how he paid Dr. P. more than was due.

[After a general review of the evidence of a financial nature adduced in the case, the learned gentleman continued:]

Now, I think that there is strong corroborating testimony that there were business transactions on Friday, Nov. 23, between these parties, Parkman the creditor, and Webster the debtor; the former insisted on having it paid at all events, and W. knew this, and had to be prepared for it. It is also proved that he did receive money from the New England Bank—that business transactions did take place in that College—that Dr. P. did take the papers down to that College. Now, gentlemen, I hold that in this state of facts, that although this matter is not fully explained, yet I think the explanation is sufficient to deny the inference that Dr. Webster seduced Dr. Parkman to the College and murdered him. I put it to you, gentlemen, if it is reasonable that a man of Professor Webster's standing in life should sit down and deliberately chalk out the way to kill a man. If this inference be correct, the charge of malice aforethought could not bemade out.

The Court here adjourned until half past 3 o'clock.

AFTERNOON SESSION.

Continuation of Mr. Merrick's Argument for the Defence.

Gentlemen: I now call your attention to the circumstances which plainly shew the character of the transaction, namely, the death of Dr. Parkman. You will perceive, gentlemen, that that principally relies upon circumstances, and that there is not now living a human voice that can relate it, and to this conclusion, Gentlemen, we must come Then you are the judges of the facts, and in this instance, and in every instance of the kind, you are the judges of the circumstances, and the evidence of circumstances from inferences which are deducible from these circumstantial facts, having reference to all kinds of murder. What the relations of these parties have been, you have already heard statements made. You know that for a long period of time Professor Webster has been in debt. You know that Dr. Parkman lent him money. You know what the consequeuces of these acts of the lending the money had been. You know he pursued him by acts of denunciation and injustice, and that Dr

P. meant to pursue him. As early as the first conversation which he had with his brother-in-law, Mr. Shaw, P. was much excited against him, and from that hour, never ceased until it became more and more aggravating. We have the testimony of Mr. Pette, a man coming from Dr. P., who stated that he was disappointed and chagrined, as he stated to Shaw;—Shaw had endeavored to calm his mind. Both of the gentlemen occupying the stations in reference to pecuniary means—this fact was well understood by the community. It was not the amount due from Webster to P.—for the amount could never injure P.—but there were other circumstances. Parkman was disappointed and chagrined at the want of success in his application for money to Dr. W.; yet he never called in force or forbore the purposes which he had on his mind to enforce from Dr. W. the payment of the debt, not by seeking the aid of the law, but be exact with his debtor to obtain thus much. Accordingly, we find his pursuit constant and his purposes unchanged. He sent by Pette a message, which if taken to Prof. W. could not but have excited him. As early as Sunday evening after the sad scene of the 23d, there was something exciting. He must have gratified his feelings soon by using harsh language, and in common parlance harsh epithets were used, showing there was a bad state of feeling existing between the parties. Again, as early as Monday evening, there we find that Dr. P. on a late hour in the day in the laboratory, where W. was toiling for his daily bread, reading chemical books and making preparations for his next day's business—we find Dr. P. that night saying, in a state of excitement, and addressing Dr. Webster. "To-morrow, something must be done." Professor Webster wrote a note to Doctor Parkman; and I wish you, gentlemen, here to take particular notice of this fact. Webster says that Dr. P. came to his place with a paper in his hand, which he found in his pocket-book on the evening of his arrest, and actually read. During that week we find Dr. P. watching the highway to prevent Professor W. approaching the College. We also find him again at Cambridge Bridge, where he asked the toll man after the passengers who had passed by. He procured a conveyance and rode out to Cambridge, and inquired near his place of business—that was Thursday—and then we find that after this, the next day, they met and quarrelled. This state of feeling, generated by their whole course of dealing, was constant and pressing. They met by appointment, and is it strange, gentlemen, that men meeting under such circumstances should get into a wrangle? Is it strange, I would ask, when a man coming and pursuing his debtor with this degree of unrelenting cruelty, that, at the period when they met, angry words should ensue, and next, personal collision—the consequences of which were to be death to one of them?

I am arguing no probabilities; there is in morals as well as in passion a necessary connection between both; passion has its way as well as morals; mind operates according to its laws as regular as the planets move in their spheres; it is as rational that men, feeling under such circumstances, and meeting, that blows should follow and terminate in death, as that cause should produce its effect; the parties met in a state of excitement; this is all we know; the creditor pressing with a firm and hard hand, the debtor resiting; justice may seem sometimes to exacting in its requisitions and its claims to be urged too far; the party returns to him who seems to him to be the aggressor, word for word, blow for blow; what would seem most likely to occur after such an altercation, bringing the parties to combat; the combat to the death of one of them, or that Professor Webster could have made the cold, fearful calculation for a scene like this—that he prepared the weapon—that he seduced—that he led him on to the toil and there deliberately slew him. Now, Gentlemen of the Jury, the annals of crime tell no such story as this—that a man like Prof. W., of such a character and with such a position, at once by a single stroke, with all the influences of his education and social life, could perpetrate the worst crime which a man can commit against his fellow; and yet Gentlemen, with these amazing probabilities, you are asked to believe that this crime was deliberately committed. Not that among these parties hate existed from former altercations, or that after the excitement they should have been led into contest. Gentlemen, there is no alternative. You are to judge—you are not to go beyond this period of time—what had transpired between these parties before this time; what occurred afterwards could not change the nature of the act which was then complete, and I leave it to you as rational men who are called upon here to decide the facts that are presented to you, whether you will not gather from the circumstances surrounding the parties here, beyond all reasonable doubt, that death came on not from premeditation, but from the suddenness of anger when there was a fearful heat and blood between these parties, when they were exasperated We are not at liberty to go beyond this period of time to ascertain the character of the act. Can you go beyond and gather evidence from it only to consider, we should have, perhaps we would expect, that the parties—as stated first—came to combat and from combat went on to death. We should hope that after having slain his victim we should find him exclaiming: "God have mercy upon me; I have slain my fellow-man; I was rash and gave him hard words; I retorted upon him, and pressed upon him in the heat of passion, until I smote him to the earth, and left him a bleeding corpse." But, gentlemen, do you believe we would all do so? Consider, gentlemen, Professor Webster was a man of standing in society, and he had a family and wife dependent upon him for support. Let us assume that in a moment of temptation, while yet his blood was hot and passion high, he committed such a rash act before his blood cools, surrounded as he was by the walls of that College, from which every human eye was shut out—temptation came over him, and he slew his victim From that moment, gentlemen, he expected time to enable him to prevent disclosure and all its consequences—that after the first false step,—after slaying his fellow man, he attempted to conceal the fact, and having succeeded in getting himself free from the probability of all public disclosure—he then adopts measures to prevent such disclosure—he attempts to conceal, and after one step comes the temptation to conceal and destroy—the temptation still comes upon him to ward off suspicion, and to shut out all proof. If then, gentlemen, he gave out these false reports—if he wrote these anonymous letters to avert suspicion, it would have been only the natural consequence of that false step by which he first shut himself up from public disclosure, by concealing and covering up the crime; but still, if the concealment of the body was commenced in his room, it must be seen, in other circumstances, that it is for him to give an explanation of his conduct subsequently. In connection with the act, then, gentlemen, examine this testimony in its various parts. These probabilities do not establish that the crime was premeditated murder, and therefore of a lesser character, that of manslaughter.

I pass now to the consideration of another point; yet before I enter upon it, I have to ask your attention to that defence suggested by the Counsel associated with me. First, as to the indictment—its averments from the date of the offence. The first and second counts in the indictment are substantially the same, for all the purposes connected with the indictment. The charge against the defendant is, that, with a certain knife, he made an assault upon George Parkman, and stabbed him in the left side. The second count, is, that with a certain hammer which he had in his hands he hit him upon the head. Now these two counts distinctly charge two specific acts—if the crime was committed with a knife all the evidence required to satisfy the prosecution should apply to the knife, and also to the hammer, as the proof to suppose that, and no other. The third count charges that he made the assault upon George Parkman and struck him with his hands upon the face. The fourth charges that the defendant in some way or manner, and by some means, caused the death of George Parkman. Now, we claim that under this accusation the Government are bound in a charge of murder to set out their charge. We claim that the law distinctly presents formalities; that the law distinctly prescribes the manner. We claim that the Government, in compliance with the requirements of law, do not set out distinctly and precisely the means of death.

My associate has called the attention of the Court to such legal authorities which we have deemed it necessary to introduce in support of our argument. It is not for me to repeat the arguments only in general terms; and here let me add that we are not bound to answer with respect to this fourth count, and I trust that in this position we will be sustained by the Court; that it is not necessary to introduce evidence because it does not aver any thing by poisoning or by drowning, or in some way, or manner, a party, if so accused, could prepare for his defence, if by fire, by poison, or the knife. If by either of these means he is accused for taking life, he has a right

to know, because, before the defendant is brought to trial the law gives him this privilege. These different statements in the indictments are called counts, and the law says that they are not to be limited. They may be extended to any length, but when brought to trial, the law gives him this privilege—these brought to trial, the Government is to be held upon them exactly, and if there be any of the counts in the indictment which does not set forth the manner of the death and such form as is recognized by law, that is, in a distinct form which the law prescribes, and that the Government does not aver positively in that form in the indictment, then we contend that the indictment fails, and that it amounts to no more than these words,—that Jno. W. Webster murdered George Parkman. One word more. In applying the evidence of the Government introduced here to sustain the indictment, you must apply that evidence to the first or second count which charges murder,—because that is the mode of death relied upon by the Government. The Government charge with striking upon the floor, with hands and feet, in the third count. They will not rely upon this third count alone. I submit that we cannot apply it to any of the first counts and say, that beyond all reasonable doubt, death was caused by the hammer or the knife. It is not thought quite so certain, by the gentlemen on the Inquest, that the knife had been the instrument by which the deed was perpetrated. The only evidence tending to show, in my opinion, that death was occasioned either by a knife or hammer, is the evidence of Dr. Wyman, in reference to the fractures upon the skull, or rather upon the left side of the skull. Remember, that the Government are saying that George Parkman was murdered by premeditation. Do you think that Prof. Webster left that fatal event to the chance blow of a hammer or a knife, or that he prepared the way in which it should be done, in advance? Will you say that he did not strangle him, when you believe that beating him with his hand or feet, he caused death? are you prepard to say that this amounts to anything more, that he was alive and is now dead, that death was in a particular form? Will you say, I would ask again, that liquid poison might not have been poured down his throat, or that he came to his death by some other means than that averred in the indictment? We are in the broad field of conjecture. The Government only ask you to decide by conjecture? It may be that there was a knife, it may be that there was a hammer, but if it be decided that it is so, or if it is proved that death was occasioned in the manner set forth in the indictment, the case is legally brought before its legitimate tribunal. I know that the Attorney General in this case will contend for an opposite position, but if such be sustained. I will regard such decision as casting a reproach upon the law of the land, upon our criminal system of jurisprudence. It may be said that this is a question that ought to be set down according to fixed principles of law; but grant we are not in our public Courts to legislate upon what ought to be law; but we are simply to inquire what the law is. Under such circumstances, I would ask, is the law really binding, and are our Courts and Jurors, knowing what the law is, to legislate upon the means by which they are to apply it to a particular case? If this is not the law, I say, there is great doubt how to dispose of the charges in this particular case which you are now trying?

What says the law? There is a beautiful maxim, "Better that one hundred guilty men should escape punishment than that one innocent man should suffer," and, therefore, it throws about its Courts that protection of law which forms the basis of human right. It makes rules upon which to frame Indictments, and it hampers its own officers with forms upon which it founds the protection of law.

I say to you, gentlemen, to acquit even a known felon of an offence alike odious and atrocious is a noble triumph of the law, whether he is acquitted of an offence of a minor, or of a crime that would doom him to the scaffold; then, gentlemen, if you cannot find beyond reasonable doubt, how this death came about, for your country's laws and your country's honor, I ask your verdict for my client.

TENTH DAY.

Continuation of Mr. Merrick's Address.

I shall now proceed to the continuation of the evidence upon which the Government claim to have brought home the charge—and here let me ask you to see the position which we occupy up to the time that George Parkman entered the College, between the hours of 1 and 2, on the 23d of November. The defendant admits that he was there between the hours of 1 and 2. The Government will not take the admission of Doctor W. as to the time he left, but choose to take a different hour. Now I wish to call your attention particularly to the evidence involved in the case. The Government claim that Parkman came to the door to Webster. Webster denies it. The Government claims that Dr. P. came to his death by Professor W. Professor W. denies it. The Government claim that the remains of the body of Dr. P. were found in the College. This is neither admitted nor denied by Prof. W., who says he knows nothing about it. He stands then in this position: when Webster, on the morning of the 1st of December, after such a night as man has scarcely ever passed, recovered his power of speech and uttered, in simple but expressive language, "I do not think these remains are the remains of Dr. P., but how they came there I do not know." His proposition then, gentlemen, is that, by some means or other, these remains were placed in that building without his agency or instrumentality. He never has professed to know anything about them, nor is he able to explain the circumstances connected with the finding of those remains. There are one or two matters connected with this subject, which we had better dispose of now as early as we can. The great proof—the circumstance on which the government mainly rely, is, first—the entrance of P. into the Medical College—and next, the remains that were found there; and they would go to show that Webster must have control over the living as well as the dead, under the circumstances under which he is charged to have committed the crime. Next, three letters have been brought forth to shew that Prof. W. wrote them, to divert attention from the place. If an occasion for directing attention from the Medical College had arisen at all, it would be difficult to know the object of Prof. W., except thus to divert it from himself; that is utterly denied. I mean to state as strongly as I can. I am sorry that these letters came so recently upon us, and that we should have so little opportunity to make examination of them, and that they were put in at the last part of the testimony for the government. We were going to close up entirely, thinking our attention would not be drawn to any new points in the testimony, trusting that the evidence already put in was sufficient for the government. The evidence of these letters is then introduced through the testimony of experts. I do not claim to have very great knowledge of hand-writing, but I think it cannot have escaped your notice that effective evidence has been given, which can show by experience that this is not the way to test with accuracy the testimony as regards hand-writing. Smith, the engraver, sustains Gould in relation to some of the letters, and says that these letters are genuine. I have not had much opportunity to make personal examinations of them, so as to trace the resemblance in the hand-writing of certain letters. I profess not skill—I have not practised in this business of an expert, but I do wish distinctly to say, that from my knowledge and experience in this peculiar line of art, and most will agree with me, that this Gould is the merest visionary that was ever called upon to testify before any Jury upon such a point. I am not going to ask you to rely upon his testimony upon this point; I merely ask you, that when you retire to your room, that you will take these papers, compare them and judge for yourselves. You are not to be governed by the opinion of Mr. Gould upon a matter of this kind, but you are to consider whether the evidence, as it comes up before you, proves the character of the hand-writing of the defendant beyond all reasonable doubt.

Among other things, the witness said that the figures 1, 3, 4 and 9, as they appeared in some letters, resembled very much the style of writing of the defendant. The last shall be first, and the first shall be last. I wish that you would look at the figure 9 in these letters, and look at the 9's in every one of these checks which I now shew you. If testimony of this character was to be relied upon, no man in the community would be safe. I express it under my own conviction.

I now call your attention to other points. There are two other circumstances introduced in evidence, viz: certain articles found in the possession of the defendant—and first I come to the tin box. Now I should ask, how is that connected with the defendant in the case? But they say it was for the purpose of putting the remains in. Dr. W. denies the charge, and says that this box was intended for certain purposes, and that it was going out to Cambridge for the purpose of putting some small articles in it. Attorney General—No, no. Mr. Merrick—Yes. Now Prof. W. goes and orders the box which was to be sent to another place. The Government say, yes, yes, it is going for the purpose of concealing some of the remains. This is all very well, gentleman, but it must be proved beyond reasonable doubt, and yet the life of Webster depends probably upon this circumstance alone. Webster says that he gets the box to put these small things in: The Government say, no—it is for the purpose of putting fragments of the body in. Well, all I have now to say is, let them once come and prove and leap over it if they can, for these facts must be proved beyond reasonable doubt. Everything here forms a distinct issue, and then each fact must be established by proof. I have only to say it is next with respect to the fish-hooks, which were found in the possession of Prof. W., his ideas of matters belonging to his own business, are known only to himself; but he distinctly says that they had nothing to do with these remains; and if the Government deny it, we put them to the proof on the fact. The Government say that it was for that purpose; that is the conjecture. Did Prof. W. ever say that they would? Then, take you, gentlemen, any statement from them? Prove all things, and hold fast that which is good. They must show the actual application of the attempt to apply these articles, or the testimony in this respect falls to the ground. After these remains were found in the laboratory, we must have the proof of the particular place in which they are found. The bag of tan was found on the Tuesday morning left outside, which excited no attention, and was left untouched.

Court.—You do not state what bag of tan it was

Mr. M There is no proof of any bag of tan—there was but one—still there is no evidence it was there for the purpose left there, as being an article which chemists had to use. I don't know, but at one time we should be in danger if a bunch of keys were found—that Prof. W., in other connections, might be placed in jeopardy; but in this connection. I cannot see that they have any thing to do with Prof. W. If Dr. Webster was to be tried as a burglar, the introduction of these keys would be proper evidence here. The keys would touch the burglar, but a deadly weapon can only touch the murderer; and these keys were found in the possession of Dr. W., as well as the fish-hooks. Next we come to the fish-hooks. Upon the theory upon which the Government establish their case, that all these things had a connection with Prof. W. in the murder of Dr. P., we assume that Prof. W. had a right to place the strings around these hooks as he pleased. And what does it amount to? Nothing. We are next told something in relation to the $20 bill. Prof. W. came and inquired about it, and we find him stating that he knew nothing about it.

We now come to the testimony of Mrs. Coleman. She testifies that W. called upon her, and asked her if she had seen Dr. P., every one of the times inquiring about Dr. P., which, while passing from the College, to and from, Dr. Webster simply asked her for personal information, and after that, left. I now refer to the testimony of Littlefield in relation to the blood, and I will call your particular attention to this fact. In the first place, in respect to the blood, Prof W. naturally had occasion to use it in his capacity as lecturer. He asked Littlefield to go to the Hospital and get him the blood in order to enable him to deliver his chemical lecture, and on that very morning in his laboratory he was exhibiting some chemical experiments. This could not be deemed so strange an occurrence. We now come to the dissecting room. It has been said in relation to the light there, that it was never necessary to use a lantern in order to look down into the privy, and that as soon as the light was put down, it would be extinguished;—the moment after—this inquiry about the light, then to this conclusion we must come, that if he contemplated the use of it at all, it was to complete his arrangements. I am sorry to engage your attention so long. I did not think that upon the final adjudication of this case, unless all matters were clearly adduced before you in evidence, and I now come to the consideration of the evidence bearing directly upon Prof. Webster, and mainly upon that point which holds that Parkman never left the building. The admission of Professor Webster that Parkman was there from half past 1 to 2 o'clock; and now, the Government, we maintain, as regards the time, are inaccurate; and we also maintain that these premises must have been invaded by some unknown form, first with respect to the evidence of the fact tending to establish an alibi. If Parkman, at the hour you stated, was seen in Causeway street by Thompson, and by the most accurate analysis it is proved that he was seen there, the Government have also proved an alibi, fully and clearly, and unequivocally, for they establish it. I mean that the facts in the case will fully warrant the conclusion, and show by the strongest possible evidence that Prof. W. should be exculpated from the charge, and that the charges would be laid somewhere else—not that I want to fix it on any one else, but that there is a hypothesis in the case which warrants me in drawing the conclusion that Prof. W. should be exculpated. My first proposition is that the Government should establish their case so as to exclude all reasonable doubt, and whatever might have been the strong suspicions, the probability for the bias of mind, a fact cannot be proved beyond a reasonable doubt. First recollect that it was 1¼ o'clock on the Friday when it was said that Dr. Parkman went into the College. The Government witnesses, Mrs. Morse, and her son George, say that when going down towards the College about 10 minutes before two o'clock, they saw Dr. P. on the steps; at 12½ o'clock, Professor W. says he was there, and Littlefield tells you he was there, about the same time. Now, then, we are left to the statement of Dr. W. upon the one hand, and to that of witnesses upon the other, while some disparity as to the time is small, yet they are two important facts. From the testimony of Patrick McGowan, it is likely that Dr. P. was there at the time, and it is also likely, from the testimony of the other witness, that he was there at the time specified by them, for it is not to be forgotten that the friends of Dr. P. invariably relied upon his general punctuality of manner in his dealings generally, and it is really likely, because we have it; that he was pressing Professor W. earnestly, and that he was punctual in his attendance upon this occasion. So, therefore, the testimony of Mr. McGowan, in all probability, must be true.

Now come to the testimony of Dr. Bosworth and Littlefield. Littlefield told you that he was standing at the door, and looking at Dr. Bosworth, when Doctor P. passed by him and went in; we have this fact then established that Doctor P. came there and went into the College, when Dr. Bosworth was there; that he crossed the steps; that the door did not stand ajar. Now the testimony, if taken in connection with the well-known established habits and manners of Dr. P., we put it, is it not a most probable thing that he was there at the time appointed in order to finish his business. That interview was very short; and when we have it in evidence that he was seen at a later hour in Causeway street, is it not probable that he might then have left the College and turned back, and after some time had entered it again.

Now, gentlemen, this may strike you as strange, but is it not within the range of probability; and if you take facts and circumstances into consideration, I do not see how you can avoid arriving at such a conclusion. The appointment with Prof. W. was at 1½ o'clock. He there meets according to his own statement, Dr. P. Dr. P. leaves the College and so does Prof. W., and I think when we are in a case like this, surrounded on all sides with probabilities weighing against the prisoner, that we are *not* wrong in coming to the conclusion that Dr. P. had finished his business at the College, and had come there again. Dr. Parkman stepped into Holland's store; he made no appointment with this man. He finishes his business almost immediately, and leaves in a very short time, hastening to go on to Cambridge street, and there he is seen by Mrs. Hatch. Who can explain it? But here are the facts, they speak for themselves. If then, gentlemen of the jury, these are strong probabilities, they must weigh on one side as well as the other. It struck my mind that the door was seen open when Parkman was going through, at the same time that Prof. W. was there. Well, now, let us leave the College, and trace farther that night up to the hour of 10½ o'clock, to ascertain whether Prof. W. was with his family. We find that a student saw him in the College in the early part of the day; and a young lady said she saw him, and spent the evening of that night with him, at home.

That night Littlefield closed the doors; the next morning, Webster was at home and afterwards came to the dissecting room. and the dissecting room was found open; on the following morning somebody had been there—and on the following morning Professor W. is found at home in Cambridge. he is found at home, also, on Thanksgiving day, and during this period of time his rooms are accessible, and no means are taken to bolt the doors. We come to the following Tuesday—Kingsley was there on that day. He saw the tea-chest partly covered with minerals.

Now, between that time and Saturday, there was no evidence that there was any change as to the tea-chest, but then it was only partially covered. Now this all the time was accessible. In this tea-chest what has been found? That knife, of which we have heard so much, and yet as clean and polished as when it was taken out of the shop of the merchant; and that knife was placed there, and by whom? By Prof. W., who made no disguise of it. He showed it to Littlefield in the College. The yatagan too—that silver-hasped and exquisitely finished weapon—was exposed there. Why had Dr. Webster these weapons there? If a murder had been committed so as to bring them in direct connection with himself, why has he then gone exposed.

We have yet to ask why has he put this twine, which we have heard so much about, around the thorax and thigh? Might it not be for the purpose of removing them? But I cannot answer the question.

Are we to suppose that some mysterious being had used the twine and changed it? It might have been to bring that portion of the body so as to connect the fragments that were found together. I do not know but that the Professor might have left the College very early Friday morning, and then I may suppose that some person placed those remains there.

I now come to the question of the tea-chest, when we hear something of the remains of a human body. It has been said that Parkman was murdered in the laboratory, yet we find no blood, so that the whole conjecture is altogether extravagant and visionary. We are not to suppose that he has been taken in there naked; but these probabilities—these facts—all give the case to the Government beyond all reasonable doubt. I shall for a moment ask your Honor's attention to some testimony in reference to some of the witnesses. I regret being obliged to make any allusion to the witnesses, calculated to injure their character, but I will take upon myself the responsibility, in alluding to one of the Government witnesses, that I don't mean to impute to him—far be it from me to impute crimes to any man—but it is my duty, and it is your duty to fearlessly discharge the responsibilities that attend your position. Littlefield has been to some extent corroborated by some witnesses, and his testimony has been corroborated by that of his wife. Now, when such testimony is to affect life and liberty, the testimony of witnesses becomes of the highest importance, and here the question arises for us to inquire into. Is Littlefield entitled, as a witness in this case, to that implicit reliance, where it goes to affix the awful crime of murder upon one with whom he had always maintained the most friendly relations. If such evidence is admissible, then human life cannot be safe.

I do not wish to impeach any one, but if testimony like this be admitted, and witnesses of such a character be allowed to testify in cases upon which depends the feeble thread of human life, we are bound to scrutinize the character and conduct of witnesses, and hence I consider it my duty to call your attention to some portions of Littlefield's evidence. You will perceive that at the first time suspicion broke in upon the mind of Littlefield as to Dr. W. having committed the murder, he communicated them to his wife, who told him not to communicate them to any person. Up to this time all his suspicions were concealed, and yet entertaining them, we find him going on that same night to Grant's, where he danced some 16 or 18 times, and returned home late, after which he went around to the rooms and examined them all; on Saturday he watched; on Sunday he barred the doors; he passes through the laboratory and nothing seems to attract him; Prof. W. he knew, was engaged there, and yet he made no search; afterwards, Mr. Clark comes; then again the same day, Mr. Kingsley comes to make a search, and yet he tells them to make no search at all, at that time. [The counsel here commented at much length upon the entire testimony of Littlefield, shewing the friendly relations that existed between him and Professor Webster, while Littlefield entertains the terrible suspicions as to his guilt, receiving at the onset from the Professor the present of a turkey for Thanksgiving, and never openly communicating his suspicions until the time that notices were posted up offering a reward for the discovery of the remains of Dr. Parkman, and then, coincidently making the effort to undermine the walls of the privy in which a portion of the remains were found. He next particularly called the attention of the Jury to the fact of the certainty with which he made his way in boring the wall to the exact position where the remains were found, which he looked upon as calculated to throw a deep suspicion upon the witness Littlefield, and which he was of opinion required explanation. In the course of his eloquent remarks, he concluded by passing a high eulogium upon the private, professional and public character of Prof. W. in the community where he has been known for many years, mainly relying upon his character, which in cases like the present, where circumstantial evidence throws doubt over the case, and wholly relied upon, should have the proper weight.

Gentlemen, his character he brings before you. It is for you to do your duty, and give him all the length of the law and evidence which has been offered here. May you never regret your last day's work in this laborious and protracted case. God grant him a good deliverance; and may he grant the same to you, and that you shall never reflect upon your final determination here with any other feelings than those of satisfaction.

ELEVENTH DAY.

Mr. Clifford's Closing Address.

The Jury entered at five minutes before nine o'clock, and the Court followed at five minutes past nine o'clock. The names of the Jury having been called, Mr. Clifford, Attorney General, rose to make the closing argument for the Government:

You, Gentlemen of the Jury, as well as myself and the community, must have been aware at the commencement of this trial that everything that human ingenuity and talent could do would be done by the defence to avoid the fate which the contrasting of circumstances has been inevitably drawing the unhappy man at the bar. I did hope when this cause commenced that the prisoner would be able to adduce some evidence and proof to show that he was innocent of the charge which is made against him, and I expressed that hope with all the sincerity of a compassionate heart, but, gentlemen of the Jury, that hope has been utterly and entirely disappointed. In the whole argument of the defence the learned counsel of the prisoner has advocated his cause with transcendant ability and eloquence, yet he had made no explanation of the peculiar circumstances attending the finding of the remains in his laboratory at the Medical College. The counsel for the defence had argued that the prisoner had been incarcerated in his cell in the jail alone, unaided and friendless, yet he had been ready at all times to give full and satisfactory proof of his innocence. How stands the case in reality? The prisoner, though he has had opportunities at all times to come forward and vindicate his innocence, he has chosen rather to close his own lips and those of his counsel, until this time, when he could remain silent no longer. Counsel for the defence had complained that there had been two secret judgments made already upon the guilt of his client—two secret tribunals where he was not present; but did it ever occur to the Jury that there had been one tribunal before which the prisoner had been brought to answer to the charge against him, and that the prisoner had appeared before that tribunal, attended by one of the ablest counsel of the

bar of the New England States; yet on that occasion, and when the prisoner's friends and relatives, the whole community, were eagerly waiting, ready and anxious to hear an explanation, such as an innocent man, by a calm reflection of 48 hours, might easily give, the prisoner had himself refused, his counsel had refused, or was unable, to make that explanation, and he had failed at this time also to make an explanation which was at all satisfactory to the jury or to the government.

The counsel for the defence, instead of producing a direct proof that the prisoner was innocent of the crime ascribed to him, had offered, first, a meagre proof of the outside character sustained by the prisoner; second, that it was not an unusual thing for the prisoner to be alone and locked up in his Laboratory. The other in the attempt to prove which the defence had signally failed; third, the conduct and whereabouts of the prisoner during the week succeeding the disappearance of his victim; fourth, that Dr. P. had been seen by several witnesses in different parts of the city on the afternoon, and at a late period, that the Government alleged the crime to have been committed. The Government had not, it is true, brought any direct testimony to prove that the prisoner at the bar was the murderer of Dr. Parkman. They had brought no living witness of the commission of the deed of blood, but they had produced overwhelming evidence of another kind which was quite as conclusive in fact, and in the eye of the law was considered of great weight, when, as in this case, each circumstance added to the proof of each corroborating circumstance in support of his position as to the weight to be attached to corroborating circumstances by a Jury. (The Attorney General quoted the charge of Chief Justice Gibson, of Pennsylvania, to a Jury in the case of that Commonwealth *vs.* Harnem, a mother on trial for the murder of her child.) In that charge Justice Gibson had instructed the Jury that the force of circumstances would seem to indicate the guilt of the accused as clearly as direct testimony. The defence had contended, that even in case the supposition of the murder of Dr. P. by Prof. W. was true, the Government had not shown that the murder was committed with malice prepense; but the Government would contend that in this case, as has been decided by this Court in the cases of Peter York and Washington Goode and in a neighboring County in the case of Nobile, that where a murder has been committed the Government have a right to suppose the existence of malice aforethought in the mind of the murderer, and the burden of proof rested upon the prisoner to show that there was no malice aforethought in the commission of the act. It was not considered in the law, that harsh or insulting words were under any considerations a sufficient provocation to manslaughter, and unless the defence could show that Dr. P. had striken Prof. W. a blow, which the prisoner had returned with one which proved fatal to his antagonist, then they could not, in the supposition of the murder, claim a verdict of manslaughter. On this point, the counsel for the defence had argued the law applicable to manslaughter to the Jury with elaborate skill and eloquence, for the space of two hours and five minutes, and had spoken of the fact for the space of ten minutes only as to the fourth count charged in the indictment, although the defence had objected to it as not according to the law, the Government should contend that if the count was not legal, it should in this case be considered so, and that if it were not legal, it ought to be; for unless such a count could be inserted in an indictment for murder, when the means employed in accomplishing it were necessarily unknown to a Grand Jury, there was no safety to a man in society—that the community had better return back, as they would be driven back, to that state of anarchy where every man revenged his wrongs by his own right hand. The Court might, and doubtless would, charge the Jury that the Court was not according to the law, but the Counsel for the Government would still contend and urge upon the Jury the propriety of sustaining the Court against both the Court and the defence. That this position was a correct one, the Attorney General quoted at length from Hawkins, 2d book, 23d chapter, and the 4th section. The defence had contended that the Government had not proved beyond a reasonable doubt the fact that Dr. P. was not still alive; but the counsel for the Government would contend that the testimony introduced in behalf of the Government, that the remains found in the Laboratory of Prof. W. were those of Dr. P. and no one else, was clear and positive; and the fact had been proved by the recognition of the murdered man, and by the evidence of scientific men, beyond the possibility of a doubt; and the attempt of the defence to resuscitate him and put life in his mangled remains were futile and unsuccessful. Dr. Keep had identified the mineral teeth found in the furnace of the Laboratory—those teeth he had labored so long and faithfully upon in order to finish them on a certain day, in order that Dr. P. might attend the opening of that College which owed its existence in a great measure to his own munificence. The defence had not been able to shake the testimony of Dr. Keep by the testimony of Dr. Morton in one single particular. Dr. Wyman had shown clear and conclusive proof that the parts of the human body found in the furnace, vault, and tea-chest of the laboratory of Prof. W., were parts of one and the same body; and those parts of the body, when put together, agreed in height, appearance of age, the color of the hair on the parts, &c., with the description of Dr. P. The Counsel for the Government recognised in these proofs, thus discovered, the finger of the living God. The defence, in attempting to prove that Dr. P. had been seen the afternoon of Friday the 23d Nov. after 2 o'clock, have introduced but a very few witnesses, and those witnesses might have been mistaken, and have seen some other strange person, who so greatly resembled the unfortunate Doctor, that he was repeatedly taken and mistaken for Dr. P. In illustration of this position, Mr. Clifford cited a late case of two alleged felonious assaults committed by a man upon two girls—one in Newton and one in Medford, one on Saturday and another on Monday—and when the man was arrested, and recognised among an hundred other persons by each of the injured parties, and afterwards the defendant had in Court produced evidence which proved that on the entire days on which the alleged attempts had been made he was in the neighboring State of New Hampshire—and the defendant had been acquitted; the Judge at the time remarking, that he never knew a stronger case made out than the one by the Government, except that made out by the defendant—and that the case proved that there existed two persons exactly alike, not only in personal appearance, but in the accidents of dress. Again, the counsel of the Government remarked that a case in point had once happened to him when he had been mistaken by a policeman for Mr. Train, County Attorney for the neighboring County of Middlesex; and when the policeman was brought into the presence of the two, he thought that he was subjected to a hoax in being told that he had seen and conversed with Mr. Clifford, instead of Mr. Train. From these facts, Mr. Clifford argued that in the afternoon of Friday, the 23d of Nov. 1849, a strange person was in this city, who so much resembled Dr. P. that he was mistaken for Dr. P. by the most intimate friends of the unfortunate man. Another supposition used by the defence was, that if the murder was committed, or the remains of some strange body had not been placed there in the laboratory by Mr. Littlefield, which, by the way, the counsel for the defence had not for a moment attempted to prove; then, there had some marauder gained access to the College, killed Dr. P., and placed his body, cut and mangled in three different places, where the remains were found. This hypothesis on the part of the defence, the Government counsel contended, involved so many absurdities that it fell to the ground from its own weakness. If a marauder had murdered Dr. P. and then concealed the body in the laboratory of Prof. Webster, that murderer must have run the chances of being discovered at any moment—first by Littlefield and secondly by Professor Webster; he must have had some knowledge of the location of the place, of the anatomy of the human body and some chemical skill. The supposition that Dr. P. had been killed out of the College, and then brought there, cut up and roasted by any one not connected with that Institution, in view of the position of, and the chemical treatment which the remains found had undergone, was inadmissible for a single moment. Of the truth and veracity of Mr. Littlefield's statements on the stand, the defence had evinced no doubt and had made no attempt to impeach; and the counsel for the Government would say, then and there, that he believed the truth and veracity of Mr. Littlefield was unimpeachable. He was an humble but an honest and conscientious man, and his reputation as a man and Janitor, even of a Medical College, was as dear to him as was the reputation of a College Professor to him, and it should not be the fault of the counsel for the Government, if full justice was not done to that man, who had brought to light the commission of the atrocious crime of the murder of Dr. P. by the prisoner, and the counsel would contend, also, that the whole behavior of Mr. Littlefield, during the time

succeeding the disappearance of Dr. P., after he had begun to entertain suspicions that Prof. W. was the murderer of the missing man, was consistent with himself and with what any true man would have manifested under similar circumstances. The counsel here reviewed the testimony as given by Mr. Littlefield, concerning the first inception of a suspicion against Professor W., and his subsequent conduct in instituting a watch upon the actions of the suspected man, and drew the inference that the conduct of Littlefield was strictly in accordance with rectitude and innocence of purpose. The counsel for the defence had argued that the supposition that a man of Prof. W.'s social position and scientific attainments could commit a crime of the magnitude of the one imputed to him, was not one that could be sustained in an impartial mind, for a moment; but the Government could show a similar instance in the Mother Country, in which a man of infinite attainments and learning had committed a murder for money, and had concealed the knowledge of his crime from the eyes of all men for the space of 20 years. He had finally been discovered, tried, convicted and executed for the murder on less evidence than had been brought against the prisoner. The case of Colt, the murderer of Adams, in N. York; the case of Valorous P. Coolidge, the murderer of Mathews, in Maine, were cases in point. The Attorney General here commented upon the nature of the business transactions between Dr. P. and the accused, on the afternoon of Friday, the 23d of November, and referred to the notes and papers put in by the Government.

Here the Court adjourned till 3 o'clock, P. M.

AFTERNOON SESSION.

The Jury entered at three o'clock, and the Court followed at five minutes past three o'clock

Mr. Clifford continued:

I am aware, Gentlemen of the Jury, that I have occupied already a greater portion of your time than I anticipated this morning, and I am grateful for the attention you have given to me thus far—but I have an imperative duty to perform in this place, and at this time, which urges me on to the completion of my argument for the Government. The Government had endeavored to show, and had succeeded in showing that Prof. W. had not paid the notes which were found in his possession, nor cancelled the mortgage which had not been found in his possession, but among the papers of Dr. Parkman; the defence had failed to show in the whole course of the argument that Prof. W. had an amount of money in his possession equal to that which they declared had been paid to Dr. P. on the afternoon of Friday, Nov. 23d, 1849. Yet it was to them a matter of vital importance, if they could prove that Prof. W. did have in his possession a sufficient amount of money to have paid those notes, they would have done so with avidity; the whole treasury of the Commonwealth was at the command of the prisoner, to summon to that Court every person of whom he had received a dollar, to testify of it. Why, then, had not the defence shown where the money came from? The only answer was, that they could not, and that the assumption of the defence that the notes had been paid was groundless and false. It was evident also that the memorandum which had been prepared by the prisoner after the transaction of Friday afternoon, with the intent and design of misleading and deceiving the officers of the law. He had also attempted to instruct his wife in the letter to his daughter to keep the bundle of papers which he had given her just as she had received it, and not open it. The whole appearance of the memorandum showed that the design had been paramount in the mind of the prisoner during its preparation. Again, the towels found on the remains in the privy vaults showed also the connection of the prisoner with the deed of blood. One of those towels had been seen in the laboratory some time before the disappearance of Dr. Parkman—the other two had the initials of the prisoner upon them. What argument could the defence put forward to show that any other person than the prisoner would have put these towels around these mutilated fragments, or had thrown them into the vault. The knife and the yatagan found in the tea-chest, and the other in the laboratory—the latter one recently cleaned—the tan brought from Cambridge—the quantity of fuel used from the two barrels of kindlings in the laboratory—the continued burning of the fire in the furnace—the skeleton keys—the pearl shirt-buttons found among the slugs in the furnace—all pointed, if not directly, at least indirectly, to the commission of the murder of Dr. P. within the College walls; and it had often happened in criminal cases, that these apparently unimportant circumstances became the very objects that fix the perpetration of the crime upon the real criminal. In the interview which Prof. Webster had with the family of Dr. Francis Parkman on the Sunday next succeeding the disappearance of Dr. Geo. Parkman, the prisoner had deported himself in a manner which indicated the fears of a guilty mind. Instead of sympathizing with the family of Dr. P., with whom he had been acquainted for many years, he merely communicated the fact that he had paid to the absent man a sum of money when he was last seen. He speaks no more of pity for the afflictions of the family—he does not commiserate with the widowed wife, the fatherless children, or the afflicted brother; but knowing that, in the course of affairs, the notes he had taken from his victim would be traced to him, he had taken that line and that manner of informing those who seemed to administer on the affairs of the deceased, of this payment of a sum of money. The prisoner had told the janitor, Mr Littlefield, that he would have no fires made in his laboratories on the week after Dr. P.'s disappearance, because the matter used in the lectures would not bear heat; yet it was apparent that there had been fires larger and hotter during that week in the laboratory than had been ever kindled there before.

Of the anonymous letters, the counsel for the Government remarked that he would not comment to any extent; but he argued that the circumstances under which those letters were written, indicated, in the first place, a cultivated mind, and second, an attempt to disguise the hand. The hints contained in the "Civis" letter clearly pointed to the transaction which had been carried out by the prisoner in the Medical College. These things, taken together with the behavior of Prof. Webster on his arrest, and his exclamations at the Jail, presented overwhelming proofs of the guilt of the accused.

Mr. Clifford closed his eloquent argument at five minutes before five o'clock; and Chief Justice Shaw remarked to the prisoner, that if he had anything to say to the Jury before he charged them upon the features of the case, he had liberty to say it.

Verbatim Report of Professor John W. Webster's Speech!

HIS CHARGES AGAINST HIS COUNSEL, &c., &c.

The prisoner commenced in a rather confused manner, without addressing, directly, either Bench or Jury, and said:

"I have desired to enter into an explanation of the complicated net-work of circumstances which, by my peculiar position, the Government has thrown around me, and which, in nine cases out of ten, are completely distorted, and probably nine-tenths of which could be satisfactorily explained. All the points of the testimony have been placed in the hands of my counsel, by whom my innocence could have been firmly established. Acting entirely under their direction,

I have sealed my lips during my confinement, trusting myself entirely to them—they have not deemed it necessary, in their superior wisdom, (this was said in an ironical tone,) to bring forward the evidence which was to exonerate me from a variety of these acts. The Government have brought whatever consummate ingenuity could suggest against me, and I hope it will not have an undue influence upon my Jury. I will not allude to many of the charges. There is one which touches me, and that is the letter which has been produced, and it is not the first I had read in the daily prints which are distributed in my apartments, and various publications which have been made respecting them; one stating that I had, after the disappearance of Dr. P., purchased a quantity of oxalic acid to remove the stains of blood, and it instantly occurred to me that this parcel might be saved and produced when necessary.

For several days Mrs. W. had requested me to purchase some acid for domestic use, and as my wife had repeatedly laughed at me because I had not purchased it, I had borne it in mind that afternoon, and had gone into Thayer's store under the Revere House, and made the purchase, and waited till the Cambridge Hourly came along, and then jumped into the Omnibus with the bundle. I went home and gave the bundle to my wife, and when, afterwards, I heard so much said about the bundle, it flashed on my mind in a moment that this must be the bundle. It was to this bundle, and not to any document, that I referred, in the direction to my wife. As regards the nitrate of copper—in the usual lectures preceding my arrest, I had occasion to use the influence of chemical agents in producing changes of various subjects—among others, upon gases. I prepared a large quantity of oxalic acid gas—a gallon jar was filled with gas, in order to produce the changes from dark color to orange, and also in air—on great heat being applied to the jar, the gas was drawn through water. As to the nitrate of copper spilt on the stairs and floor of the Laboratory, it was spilt accidentally from a quantity, and by me, in my lectures between the day of Dr. P.'s disappearance and my own arrest. So, I might go on in explaining a variety of circumstances which have been distorted. My counsel have pressed me to keep calm—my very calmness has been made to bear against me; but my trust has been in my God and my own innocence. In regard to money I must say a word. The money which I paid Dr. P. on the afternoon of Friday, November 23d, I had saved up from time to time, and kept it in a trunk in my house in Cambridge, but, unfortunately, no one ever saw me take it out; therefore, I can only give my word that such is the fact. Several years ago I had students, who were in the habit of being in my laboratory, and who injured my apparatus; therefore, I prepared every thing for my own use in my lectures with my own hands—and that is the reason why I excluded persons from my laboratory. As regards my whereabouts from the hour of Dr. P.'s disappearance, I have put into my Counsels' hands satisfactory information, which will account for every day I had spent during that week, for every day and every hour. I never was absent from home. As to being seen by Mr. Sanderson, I was at home every evening. One thing that has been omitted by my counsel was, that on the Friday on which the alleged murder was said to have been committed, I had purchased Humboldt's new work, "Cosmos," and while waiting for an omnibus, stepped into Brigham's to take a muttonchop, and on coming out to take the omnibus, had forgotten my book, but after my arrest, remembered the place where I had left it, and mentioned it to my counsel. They had sent to Mr. Brigham's, and the book had been found. He then took his seat, but in a moment rose and said—

I will say one word more; I have felt very much distressed by the production of those anonymous letters; more so than by anything that has occurred during the trial. I call my God to witness, that if it were the last hour of my life, I believe that I never wrote those letters.

Since the trial commenced, a letter has been received from this very "Civis" by one of my counsel. If this person has any spark of humanity, I call upon him to come forward—a notice to this effect has been put in the papers.

Prof. W. having said this, sat down. A deep impression was made upon the Jury, the Court, and the spectators, by the solemn earnestness exhibited by the prisoner in his remarks.

Charge to the Jury.

Chief-Justice Shaw then rose todeliver his charge to the Jury, remarking that he had thought proper to continue the proceedings, as far as to deliver his charge in the case to them, because the nature of the principles developed in the proceedings were such as would not require him to occupy their attention a much longer time.

Gentlemen:—I rise with the deepest sense of the responsibility which presses upon this tribunal. You have been so long engaged in this important case, that I cannot detain you much longer in suspense. I shall not, at this late period, keep you long confined in considering the facts which have been so fully laid before you, and it is mainly a question of facts. I shall rather dwell upon a few plain principles. It is the nature of our laws, under which our lives are secured, to distribute to the several organs of government each its several department of duties, and each is responsible for his own. We are not here to make the laws, but to execute them. This indictment charges the prisoner at the bar with murder. Murder is the highest species of homicide. Homicide is a general term, including several degrees; some of which are justifiable, such as those committed in justifiable war, or by the officers of justice, with proper warrants; but I need not dwell on them. The statute law only provides that wilful murder shall be punished by death; but that is not the only law in force among us. We have the common law. The common law was received by our ancestors from England, but is really as much in force among us as any other, and may be called the common law of Massachusetts. [The learned Chief Justice read from a memorandum of his own on the nature of malice.] In murder, to escape the imputation of malice, the prisoner must prove the provocation, the accident, or any other circumstance which goes to preclude the malice—otherwise it is argued from the act itself. No provocation of words, however opprobrious, will mitigate the motive for

a mortal blow, or one intended to produce death, so as to make it manslaughter where there is an intention to kill. If there is sufficient provocation, it is manslaughter; but words are not a sufficient provocation. [The Chief Justice read some authorities from East's Crown Laws.] Malice is implied from any deliberate, cruel act against another, however sudden. When there is a blow of a deadly or dangerous weapon, with intent to do some great bodily harm, and death ensues, malice is presumed. If a man, provoked by a blow, with a feeling of resentment returns it, and kills his aggressor, it is not excusable; but it is a less crime than murder; it is manslaughter, with heat of blood. We see no evidence in this case of any provocation or heat of blood. There were angry feelings, but they do not amount to a provocation or a heat of blood sufficient to render the crime manslaughter. The purpose of a Coroner's Inquest is to find how the dead body came to its death. There is no distinction, in the eye of the law, between persons, whether it be a colored pauper in a country alms-house, or the most distinguished member of the community. The same machinery of further proceedings, in case the Jury find that violence was used by some party to produce the death. In this case a charge was made against an individual of having, in some way or other, produced death. No one saw it done. The evidence is altogether circumstantial, yet it may be sufficient to produce a reasonable conviction. Crimes are secret. There is a necessity of circumstantial evidence, otherwise we could not protect ourselves from crime. Each sort of evidence has its advantages. There is no common standard of comparison. We may often arrive at as sure a conviction by circumstantial as by positive evidence. The inference from the facts should be a natural or a necessary one, and each fact should be proved by itself. Suppose in the present case the teeth are found to be those made for Dr. Parkman before his death; that fact is itself sufficient to establish the conclusion that the remains are his, if no other facts are found repugnant to this. The allegation is that he entered the Medical College about two o'clock, and never came out of it alive. Search was made during the week. The next Friday human remains were found under the Medical College. The place was taken possession of by the police. Investigations were made, and the remains were declared to be those of Dr. Parkman. Is this proved? It is proved that he disappeared from his home on Friday forenoon, and did not come back to dinner, and never came back; this is established. Has it been proved that he was seen anywhere after the hour he is said to have entered the college? As to the testimony of Mrs. Hatch, Mr. Thompson, Mr. Wentworth, Mr. Cleland, Mrs. Rhoades and her daughter, and Mrs. Greenough, I need not comment particularly. It is to be compared with the proof on the other side. When such a great event happens, the whole community is thrown into a committee of inquisition, and a large number of lines of inquiry are instituted; a great many persons are found who have seen the object of the search. It became known on Saturday evening that Dr. Parkman, a man known to almost everybody, had disappeared. The whole community were put upon their recollections, and would it be strange if a great many had seen him, and yet have been mistaken? If they had not been mistaken, would not others be found, when all were intent, who would testify that they saw him also? This negative evidence, it is true, is not conclusive in itself, but it goes to destroy the positive evidence, for we can hardly conceive that if there had been no mistake in those who saw him as to his identity or the time, a great many others would not also have seen him, and would not have recollected it the next day. If Dr. Parkman went to the College at the invitation of Dr. Webster, and was there killed by him, all question of implied malice is put out of the question, for it was done by express malice. Dr. Webster admits that Dr. Parkman came there, and, as he says, he paid him money. It is in evidence that Webster staid there that afternoon, and left there about 6 o'clock. In so much as Dr. Parkman has never been seen since that afternoon, if it shall appear that the remains found in the apartments of Dr. Webster were identified as his body, the *alibi* is of no consequence. In a recent case in Richmond a man was stabbed with a knife; a man was arrested who had a knife in his possession the day before; the handle of the knife was found broken off near the deceased. It was sworn to be that which belonged to the prisoner the day before; and, on a *post mortem* examination, a blade was found, which by the scratched edges of the broken steel, tallied with that of the handle. This circumstance was allowed a great weight. When a circumstance of this kind is established, then the absence of any testimony to the contrary—the proof of concurrent circumstances—has a strong tendency to strengthen the conclusion. When a party has attempted to suppress proofs, the circumstance acts to prove a consciousness of guilt. When we apply these principles to a case certain rules are to be applied. First, the circumstances upon which the conclusion depends are to be fully proved; all must connect together; no one must be inconsistent with an act of this nature or alibi. An alibi means elsewhere. If a man is charged with being in one place, and he can prove himself in another at that time, then he must escape. This is a mode of defence which easily suggests itself, and may be secured by a little contrivance. Third, the circumstances must not only limit the guilt of the party, but they must be such as to exclude every other reasonable hypothesis. They must exclude all reasonable doubt. What is a reasonable doubt? It must be more than a probability. The facts must be such as to implicate the defendant also. We must now, gentlemen, apply these to the present case. The indictment charges J. W. Webster with the murder of Dr. George Parkman, on the 23d of November last. The indictment has been referred to by the defence, and we have taken the matter into consideration. It is the rule of law that the means and manner of the crime shall be set forth, so that the prisoner may prepare for his defence; yet if death is produced in some new mode, the law will not let the criminal escape. It has general rules which provide for new cases. The last count sets forth that the prisoner assaulted and killed George Parkman, in some manner or by some weapon unknown to the jury. The Court are of opinion that this is a good count. Dr. Parkman may have been assaulted with chloroform or ether, which stupified and made him insensible, and then death would have been caused by the weapons to the jury unknown; and the jury were only bound to set forth all they knew. That is necessary to be proved. First, it is necessary to prove the *corpus delicti*, or the killing so as to exclude suicide or accident. Dr. Parkman was in good health, as appears by Mr. Shaw, that morning. We come now to the teeth. These are the principal signs of identification. That the other parts of the body did not differ in any material respect from Parkman's, proves little in itself, but becomes very important, if it is made out that the teeth were his. It is a serious inquiry, whether by the correspondence of the teeth to the mould, the identity can be made out. We must rely only on the evidence of those who have made this subject their study. Dr. Keep identified these teeth without hesitation, pronounced them Dr. Parkman's, and he has explained to you the reasons which confirm him in that opinion. You have also heard the testimony of Dr. Noble to the same effect. Dr. Morton is of opinion that the characteristics of teeth are not such as to enable a dentist to identify his work, under such circumstances, with certainty. Three other eminent dentists have been called, who are of a different opinion, and confirm Dr. Keep. This evidence is, undoubtedly to be received with care. It is of the same nature of that which is applied to fossil remains, and by means of which a single bone is made to lead to the discovery of an entire animal, of an extinct species. You must be judges of it in this case. If these are the teeth of Dr. Parkman, and if, as was stated to you, by Dr. Keep, their condition proves that they were put into the furnace in the head, and the whole body, no part of it being dissimilar to Dr. Parkman's, and if the suppositions of suicide and accidental death are excluded, the *corpus delicti* is established. I shall pass over the testimony of Littlefield. It has been somewhat called in question. But whether much or little weight be given it, it does not materially affect this case. It may be remarked, that, as far as it does affect the case, it is confirmed by other witnesses; (particularly the officers of the police.) From about Sunday or Monday pretty strict watch was kept of the Medical College till Friday. Nothing important could be transacted there without the knowledge of the police, of Littlefield or Webster. To some of these parties the existence and condition of these remains, found partly under the privy, in the tea chest, and partly in the furnace, must have been known. You will judge from the evidence by whom. We do not think much can be argued by the conduct of the defendant after his arrest. We have no experience here to guide us. We do not know how we should act in such a case, or how he ought to have acted. To come to the main proof of this case, there are two theories in regard to it. The Government takes the one, which supposes that he invited Dr. Parkman to

the Medical College, and there slew him, in order to get possession of two notes which he owed to Dr. Parkman, and that he got possession of them. Dr. Parkman had loaned to Professor Webster $400 in 1841. In 1846 several parties contributed to another loan, to relieve him, to the amount of two thousand four hundred and thirty dollars; to Dr. Parkman this contributed five hundred, and the three hundred and thirty-two dollars on the old note; and other parties the balance. Dr. Parkman held the large notes and the mortgage on personal property, for its security, for the benefit of himself and the other parties, and also the old note, which was to be given up whenever his share was paid. It appears that the defendant was in possession of both notes, and the Government contends that he never paid either; that he invited Dr. Parkman to his lecture-room and slew him, to get possession of these notes. If this be proved, it is express malice. The other theory is that of the defence, that being together, the one to pay and the other to receive money, they quarrelled, and Dr. Webster killed Dr. Parkman in sudden heat, and then concealed him to avoid detection. If this be proved, it may be manslaughter. If Dr. Webster did entice Dr. Parkman to the Medical College to get possession of the notes, we can see no difference between it and murder. The Government, to strengthen its theory, brings proof that he could not have had money to pay either of the notes; and he has never pretended that he had money to take up the larger one of them. You will judge one very significant fact is, that the $90 which was that morning paid to him by Mr. Pette—a check on the Freeman's Bank—was not a part of the money paid, but was on that afternoon or the next day, deposited in the Charles River Bank, to his credit. He also told Mr. Pette that morning that he had settled with Dr. Parkman, although Dr. P. had not yet called on him. You must judge how far these circumstances go to prove intention to get hold of the notes as a motive of the homicide; and if that was the motive, it is a very strong case of murder by express malice. If, in the hypothesis of the defence, the concealment of the remains was made by another hand, it was of no interest to Dr. Webster, and his reluctance towards the search is to be accounted for, as well as the fact that he did not himself make the discovery which lay directly in his way. Any concealment of evidence going to implicate him, to which a party under suspicion resorts, must go, as far as it goes at all, against him. He has mentioned, that the package to which he referred in his letter to his daughter, was one of nitric acid, and not those notes which have been brought as evidence to prove the intention of the homicide. If so, as far as that goes, it goes to obliterate the effect of attempted concealment of evidence. But it does not at all affect the case or the bearing of these notes when found, or the animus or intention of the act. The circumstances of the twine used, and many others, which it is needless to mention, go to show, that whoever did any part in the concealment of these remains, did the whole. We think it of much consequence that he waived an examination in the police court. As to the anonymous letters, you must judge of their bearing, if proved. But we must remark, that we consider the proof of them exceedingly slight. Character may be of consequence in a minor case, as of larceny; but when a prisoner is charged with a crime so atrocious, all sink to the same level, and we must rest on the proof of the facts; yet in such a case the prisoner has a right to put in his character, and the testimony is competent evidence. Many other things press upon my mind, but the time reminds me I ought to close. You have been selected by lot, mostly concerned in the active business of life, so as to secure the greatest impartiality. Take sufficient time to deliberate upon your verdict. Use your good judgment and sound conscience, and we are assured the verdict will be a true one.

The Verdict—GUILTY!

At twenty minutes before eleven o'clock this evening, there was a movement at the door of the Supreme Court Room, and presently a number of gentlemen came in, and among them, the counsel for the prisoner, Charles Sumner, Chas. T. Jackson, Judge Bigelow, N. J. Bowditch, and a number of members of the Bar, Policemen and Clergymen. The galleries being crowded to excess. Soon it was whispered about that the Jury had agreed on a verdict. In about five minutes after, Prof. J. W. Webster came in, in charge of Constable Edward J. Jones, and took his seat in the dock. His appearance was unchanged, except serious dejectedness which was apparent in the contraction of the muscles about the mouth.

The Court came in in five minutes after, and were announced by High Sheriff Eveleth. The Clerk of the Court, Mr. Willard, then said, addressing the Jury, "Mr. Foreman, have you agreed upon your verdict?" Mr. Byran, foreman of the Jury, bowed assent. The Clerk—"John W. Webster, hold up your right hand." The prisoner rose, and looked steadily and intently upon the foreman of the Jury. The Clerk—"Mr. Foreman, look upon the prisoner; prisoner, look upon the Jury."

Professor Webster still maintained his fixed and intense look upon the foreman of the Jury. The Clerk continued, "What do you say, Mr. Foreman—is the prisoner at the bar Guilty or not Guilty?" "Guilty!" was the solemn response.

The hand of the prisoner, which had hitherto been held erect, fell to the bar in front of him with a dead sound, as if he had lost all muscular action, and his head dropped upon his breast. He soon sat down, his limbs seeming to give evidence of failing. He put his hands up to his face, and he was observed to rub his eyes with his fingers under his spectacles.

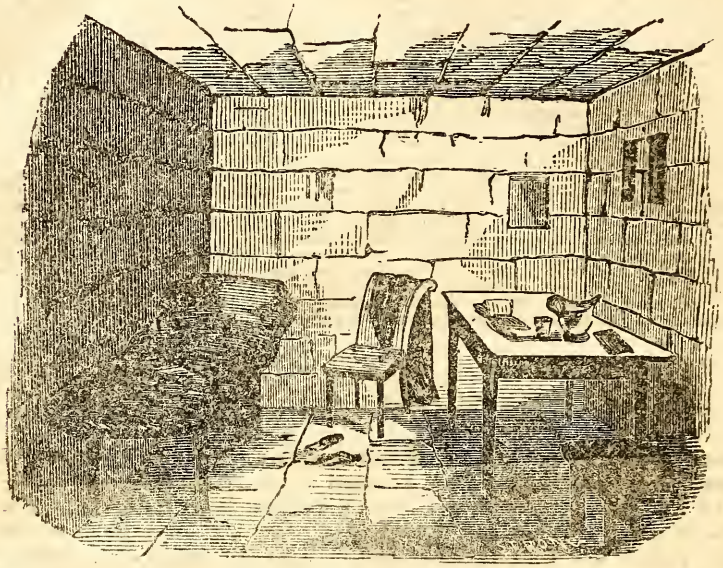
He then closed his eye-lids, and bowed his head down towards the Court. Mr. Byran, the foreman of the jury, at the same time held his hand up before his eyes, as if overcome by the painful duty he had performed. An awful and unbroken silence ensued, in which the court, the jury, and spectators, seemed to be absorbed in their own reflections.

The appearance of the prisoner at this time was painful to contemplate; his eyes were closed, and a deep sigh denoted the load of inexpressible anguish on his soul, and the crushing blow that had fallen upon him.

Chief Justice Shaw broke the awful silence and suspense by dismissing the Jury, in a voice wild with emotion, and requested their attendance on the Court at 9 o'clock, on Monday morning.

Mr. Merrick, the prisoner's counsel, then went into the prisoner's dock, and spoke a few words in his ear, and soon after the order was given by the Court that the prisoner should be remanded; which was done, after the gallery had been cleared by the officers. The whole proceedings did not occupy more than twelve minutes, and was a scene never to be forgotten by those who were present.

View of the Interior of Professor Webster's Cell.



The verdict was received by the crowd outside with not a few expressions of regret. After the spectators had been dispersed from the Court-house, the prisoner was removed by the officers to the Leverett street Jail to await his sentence.

Thus has ended this long and arduous trial. The righteousness of the verdict is a subject of earnest comment, even at this late hour of the night.

TWELFTH DAY.

At 5 minutes past 9 o'clock the prisoner was brought into the Court-room by officer Jones. His appearance indicated much mental suffering, but he attempted to appear calm.

The Attorney General moved that the sentence of the law be now pronounced upon the prisoner. His language was feeling and pathetic. Chief Justice Shaw then asked the prisoner if he had anything to say why the sentence of the law should not be pronounced. The prisoner signified that he had nothing to say. The Judge then, in a very feeling manner, proceeded to give the sentence of the law, as follows:

Verbatim Report of the Sentence.

John W. Webster, in meeting you here for the last time, to pronounce that sentence which the law has affixed to this high offence of which you stand convicted, it is impossible for language to give utterrnce to the deep consciousness of responsibility, to the keen sense of sadness and sympathywith which we approach this solemn duty. Circumstances which all who hear me will duly appreciate, and which it may seem hardly fit to allude to in more detail, render the performance of this duty on the present occasion unspeakably pain-

ful. At all times, and under all circumstances, a feeling of indescribable solemnity attaches to the utterance of the stern voice of retributive justice, which consigns a fellow-being to an untimely and ignominious death, but when we consider all the circumstances of your past life, your various relations to society, the claims upon you by others, the hopes and expectations you have cherished, with your present condition and the ignominious death which awaits you, we are oppressed with grief and anguish, and nothing but a sense of imperative duty, imposed on us by the law, whose officers and ministers we are, could sustain us in pronouncing such a judgment against the crime of wilful murder, of which you stand convicted—a crime at which humanity shudders—a crime every where, and under all forms of society, regarded with the deepest abhorrence. The law has pronounced its severest penalty in these few and simple, but solemn and impressive words, "Every person who shall commit the crime of Murder shall suffer the punishment of death for the same."

The manifest object of this law is the protection and security of human life, the most important object of a just and paternal government. It is made the duty of this Court to declare this penalty against any one who shall have been found guilty in due course of the administration of justice of having violated the law. It is one of the most solemn acts of judicial power which an earthly tribunal can be called upon to exercise. It is a high and exemplary manifestation of the sovereign authority of the law, as well in its stern and inflexible severity, as in its protecting and paternal benignity. It punishes the guilty with severity in order that the right to the enjoyment of life, the most precious of all rights, may be more effectually secured. By the record before us it appears that you have been indicted by the Grand Jury of this County for the crime of Murder, alleging, that on the 23d of November last, you made an assault on the person of Dr. George Parkman, and by acts of violence deprived him of life with malice aforethought. This is alleged to have been done within the apartments of a public institution in this city, the Medical College, of which you were Professor and Instructor, upon the person of a man of mature age, well known, and of extensive connections in this community, and a benefactor to that Institution. The charge of an offence so aggravated, under such circumstances, in the midst of a peaceful community, created an instantaneous outburst of surprise, alarm and terror, and was followed by a universal and intense anxiety to learn, by the result of a judicial proceeding, whether this charge was true.

The day of trial came. A Court was organized to conduct it. A Jury, almost of your own choosing, was selected in the manner best calculated to insure intelligence and impartiality. Counsel was appointed to assist you in conducting your defence, who have done all that learning, eloquence, and skill could accomplish in presenting your defence in its best aspects, a very large number of witnesses were carefully examined, and after a very laborious trial of unprecedented length, conducted, as we hope, with patience and fidelity, that Jury have pronounced you guilty. To this verdict, upon a careful revision of the whole proceedings, I am constrained to say, in behalf of the Court, that they can see no just or legal ground of exception —Guilty! How much under all these thrilling circumstances, cluster around the case, and throng our memories in the retrospect, does this single word import. The wilful, violent, and malicious destruction of the life of a fellow-man, in the face of God, and under the protection of the law. Yes, of one in the midst of life, with bright hopes, warm affections, mutual attachments, strong, extensive and numerous friends, making life a blessing to himself and others. We allude thus to the injury you have inflicted, not for the purpose of awakening one unnecessary pang in a heart already lacerated, but to remind you of the incomparable wrong done to the victim of your cruelty. In sheer justice to him whose voice is now hushed in death, and whose wrongs can only be indicated by the living actions of the law.

If, therefore, you may at any moment think your case a hard one, and your punishment too heavy—if one reproving thought arises in your mind, or one murmuring word seeks utterance from your lips, think, oh, think of him, instantly deprived of life by your guilty hand, then, if not lost to all sense of retributive justice, if you have any compunctious visiting of conscience, you may be ready to exclaim, in the bitter anguish of truth, "I have sinned against heaven and my own soul. My punishment is just. God be merciful to me a sinner!" God grant that your example may afford a solemn warning to all, especially to the young. May it impress deeply on every mind the salutary lesson it is intended to teach to guard against the indulgence of unhallowed or vindictive passions, and to rest temptation to any and every selfish, sordid and wicked purpose—to listen to the warnings of conscience and yield to the plain dictates of duty; and while they instinctively shrink with abhorrence from the first thought of assailing the life of another, may they learn to reverence the laws of God and of society, designed to secure protection to their own.

We forbear, for obvious considerations, from adding such words of advice as may be sometimes thought appropriate on occasions like this. It has commonly been our province, on occasions like the present, to address the illiterate, the degraded, the outcast, whose early life has been cast among the vicious, the neglected, the abandoned, who have never been blessed with moral and religious culture, who have never received the benefits of cultivated society, nor enjoyed the ennobling influences of home; to such an one a word of advice, upon an occasion so impressive, may be a word fitly spoken, and turned to good; but in a case like this, when those circumstancees are all removed, no word of ours could be more efficacious than the suggestions of your own better thoughts, to which we now commend you. But as we approach this last sad duty of pronouncing sentence, which is, indeed, the voice of the law, and not our own—in giving it utterance

—we cannot do it with a feeling of indifference, as a formal and official act. God forbid that we should be prevented from indulging and expressing those irrepressible feelings of interest, sympathy and compassion which arise spontaneously in our hearts; and we do most sincerely and cordially deplore the distressing condition into which crime has brought you; and though we have no word of present consolation, or one earthly hope to offer to you, in this hour of your affliction, yet we devoutly commend you to the mercy of our Heavenly Father, with whom is abundance of mercy, and from whom we may all hope for pardon and peace. And now nothing remains but the solemn duty of pronouncing the sentence which the law affixes to the crime of murder, of which you stand convicted, which sentence is—

"That you, John W. Webster, be removed from this place and detained in close custody in the prison of this county, and thence taken, at such time as the Executive Government of this Commonwealth may, by their warrant appoint, to the place of execution, and there be hung by the neck until you are dead—And may God, in his infinite goodness, have mercy on your soul."

Upon the last of the above words the prisoner sank heavily upon his seat, and inclined his head upon the bar and weapt in agony.

His emotions were exceedingly violent, and his sobs could be distinctly heard in any part of the Court-room, but in a few minutes he summoned his usual fortitude, and became more calm.

A large number of those present were deeply affected, even to tears. An awful silence reigned for a few moments in the room, and the eyes of hundreds were bent upon the prisoner, who now sat upright with fixed gaze upon the Bench.

A suppressed whisper went through the crowd, in anxious inquiry respecting the prisoner, but silence being gained, the Judge placed the prisoner in charge of the Sheriff.

At half-past nine the prisoner was ordered to be remanded, and was led from the room by officer Jones.

The main body of the Court-house, the galleries, the halls and entries were crowded by an anxious concourse of people, who rushed from the building, anxious to get another look at the prisoner.

The crowd were remarkably quiet, and retired deeply impressed with the awful solemnity of the scene.

Thus has closed one of the most interesting trials ever recorded in the annals of criminal jurisprudence.

The trial has been reported expressly for the *Globe* by its intelligent, active and attentive Reporters, and sent over the wires of *Morse's* Telegraph line. Great praise is due to the Agents of the *Globe* in Boston, and to the Operators at both terminations of the line. Mr. Foss and his assistants in this city, deserve much from the public as well as from the publishers of the *Globe*, for their unwearied devotion to their duties night and day.

The original discovery and first successful use of the Magnetic Telegraph, by *Mr. Morse* places the name of that distinguished man high on the rolls of the benefactors of this his native country in particular, and of the human race generally.

Many nations of ancient, and some of modern times have contended for the honor of having given birth to heroes, statesmen, and poets, but the records and traditions of the world present no name which will live longer in the grateful and admiring remembrance of the human race than that of the great *American*, SAMUEL F. B. MORSE, the discoverer of the mode by which intelligence can be *instantaneously* transmitted over *any space*, and the *first inventor* of the machinery by which the discovery was made available for all the practical purposes to which it can be applied.

All hail to MORSE! the first to lead
The electric fluid round the earth,
Our country boasts the daring deed,
And gleries that she gave him birth.

A CORRECT LIKENESS OF DR. PARKMAN.

AS LAST SEEN PREVIOUS TO THE MURDER.

EPHRAIM LITTLEFIELD,

JANITOR OF THE MEDICAL COLLEGE,

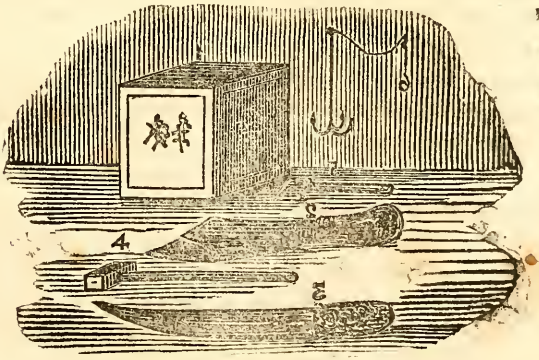
Who discovered the Remains in the Vault of Professor Webster.

DRAWN BY ROWSE, FROM A DAGUERREOTYPE BY CHASE.—ENGRAVED BY MARSH, EXPRESSLY FOR THE NEW YORK GLOBE.

ACCURATE DRAWINGS OF

Articles found in the Laboratory of Professor Webster,

AND PRODUCED IN COURT DURING THE TRIAL



1.—Tea-chest in which the thorax and left thigh were found embedded in tan.
2.—Bowie Knife found in the tea-chest, with blood upon the blade.
3.—Turkish Yatagan, elegantly chased silver handle, found n the Laboratory.
4.—Sledge-hammer alluded to in the testimony of Littlefield and others.
5.—Hatchet, found in one of the drawers in the Professor's Cabinet.
6.—Three large Fish-hooks tied together, found attached to the remains in the vault.

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This paper is published in the city of New York, and is circulated extensively in the Eastern, Western, and Middle States, and partially in the Southern and Southwestern States of the Union. It has also a circulation of FOUR THOUSAND copies in California, Oregon, and the Sandwich Islands.

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Is neatly printed on a double medium sheet, and is issued every morning but the Sabbath, each number containing the very latest foreign and domestic news. It is afforded to subscribers by mail at $5 per annum. It is intended to equal in amount and value of matter any Daily issued on this Continent.

THE WEEKLY GLOBE

Is also printed on a sheet 27 by 41 inches, and contains the choicest matter of the Daily issue —valuable correspondence from all sections of the Union, as well as from other parts of the World. It is afforded to those who subscribe singly at $1 per annum; ☞ or twelve copies for $10—payment in all cases being required in advance. When the term paid for has expired, the paper is stopped, so that no man need fear being annoyed with bills for papers he never read, and did not want. Subscriptions may commence at any time.

☞ *Notes of all specie-paying Banks in the United States are taken for subscriptions to this paper at par. Money enclosed in a letter, addressed "New York Globe," and deposited in any Post Office in the United States, may be considered at our risk; but a description of the bills ought in all cases to be left with the Postmaster.*

The essential principles of the *Globe* are DEMOCRATIC REPUBLICAN. It will sustain that party with all its vigor, acquiesce in its action, maintain and uphold its integrity, and in all cases give an earnest and uncompromising support to REGULAR NOMINATIONS, National as well as State and local. Our motto is, "UNION WITH THE DEMOCRACY OF THE UNION—OPPOSITION TO THE WILMOT PROVISO."

It is "*Resolved*," that no American Journal shall exceed the *Globe* in the variety, extent or accuracy of its intelligence, while to Literature, Poetry, and Art, as much space will be devoted as can be spared from the topics of the day.

A correct list of "Prices Current" in this city, and at the principal Atlantic and interior cities, together with *Reviews* of the same; and also the latest accounts of the markets of *California*, will be published in every number of the Weekly *Globe*, when the markets are of sufficient interest to require comment. Special attention will be given to commercial matters generally.

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